The Politics of Fantasy

Immigration policy in the UK after Brexit

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Alasdair Palmer and David Wood

CIVITAS

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Authors

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Introduction

The significance of the Brexit vote

Concerns about immigration were not the *only* reason why a small but significant majority of the British electorate voted to leave the European Union in the referendum of 23 June 2016.[1] But concerns about immigration were certainly a major factor. Polls which asked people why they voted for Brexit soon after the vote recorded that the primary concern of those who opted to leave was that they agreed with the principle that 'decisions about the UK should be taken in the UK'. Second on the list was that leaving the EU gave Britain 'the best chance of regaining control over immigration'.[2]

Those two motives for voting 'Leave' are closely related: immigration is obviously a decision 'about the UK', and one about which the British people have frequently told pollsters that they are very concerned about.[3] Complying with the policy of 'free movement' – the idea that every citizen of every EU country should be free to move so as to work and study in all of the others – has become a necessary condition of membership of the EU. Slightly fewer than half the total number of additional immigrants to the UK every year come from EU countries. So, while Britain remains a member of the EU, its government can only impose controls on citizens from non-EU countries intending to live, study or work here for more than a year.[4] Which may be one reason why 52 per

cent of those who voted in the Brexit Referendum cast their vote in favour of Britain leaving the EU.[5]

Theresa May, who took over from David Cameron as Prime Minister after he resigned once the result of the Brexit vote was clear, has interpreted the majority in favour of leaving the EU as an instruction from the electorate to reduce immigration significantly. At the 2016 Conservative Party Conference, she insisted that exiting from Europe meant exiting from the principle that citizens of EU countries should be free to move to the UK if they chose to do so. 'We are not leaving the European Union', she insisted, 'only to give up control of immigration again.' During the 2017 election campaign, she repeated the same message many times, stating (for instance) on May 8 that 'When we leave the European Union, we will have the opportunity to make sure that we have control of our borders – leaving the EU means we won't have free movement as it has been in the past.'[6] The Conservative Party Manifesto for the General Election she decided should take place on June 8, 2017, re-iterated the promise, made by David Cameron in the election campaign in 2010 and again in 2015, to reduce immigration to 'tens of thousands' a year.

One of the questions we will try to answer in this pamphlet is the extent to which the British people, as represented by their Government, will gain 'control over immigration again' once Britain has formally left the EU. Theresa May was Home Secretary from 2010-2016. She was responsible for reducing immigration to 'tens of thousands' a year. She failed, despite implementing a series of policies designed to have that effect. Net migration (the number of people settling in the UK, minus the number leaving it) was 327,000 for the year March 2015-March 2016: 71,000 higher than when she arrived at the Home Office in 2010.[7]

We accept that Mrs May and her administration are correct to claim that, if she wins the General Election, she will have a mandate to reduce immigration. We take it that, were Britain's exit from the EU to have no effect on immigration – were it to fail to reduce the number of people who are not British who arrive in the UK each year with the purpose of settling and working here permanently – most of those who voted in the referendum would feel that the Government had failed to respond to their wishes.[8] Rightly or wrongly, they would regard it as a betrayal: not only of the majority who voted for Brexit, but of democracy itself.

Rather than either endorsing or criticising the majority's apparent belief that native Britons must be worse off with high levels of immigration, our purpose is to examine carefully what, in terms of concrete and effective policies, the Government can do to keep its promise to reduce annual net migration to below 100,000. Will anything actually work to achieve that result? What will be the costs of effective policies? Will the costs – economic and otherwise – outweigh the benefits? And are British taxpayers prepared to pay those costs? If they are not – should they be?

1

Recent attempts to reduce immigration

At the start, it is worth reiterating that successive British governments have been trying to reduce immigration for at least six years, and arguably for nearly a decade. When Gordon Brown took over from Tony Blair as Prime Minister in 2007, he promised 'British jobs for British workers', which was assumed to mean that, as Prime Minister, Brown would implement a policy to ensure that British workers would get preference for jobs in the UK, and that he would reduce the migration of foreign workers to Britain – although no actual policy to achieve that goal emerged from Brown's administration.

David Cameron, then leader of the Opposition, attacked Gordon Brown's phrase as 'stolen from the National Front and the British National Party', and said it would be illegal under European law to discriminate in favour of British workers – which it would indeed be. But when Cameron became Prime Minister at the head of the coalition formed with the Liberal Democrats, he immediately pledged to reduce the annual rate of net migration (the people arriving to settle for at least a year in the UK minus people leaving it to leave elsewhere for at least a year) to 'tens of thousands', or less than 100,000 a year.

Prime Minister Cameron, however, did not succeed in reducing net migration to anywhere near the 'tens of thousands' a year that he and his party had promised. It is true that in 2012, net migration fell to 177,000, the lowest it had been since 2002, when the figure for net migration had fallen to 158,000. But it wasn't obvious that the fall between 2010 and 2012 was due to any new Government policy, and the steady climb in numbers migrating to the UK immediately afterwards suggested that it was not. Two years later, at the end of 2014, net migration to the UK was running at 313,000 a year; and by 2015, it had increased by a further 20,000 to 333,000.[1]

This was during a period when, because of the UK's membership of the EU, the British Government could only adopt policies with the aim of reducing *non*-EU migration. But even if we restrict net migration to people coming from non-EU countries, Government policy failed to reduce the figure to below the promised 100,000. Net migration from non-EU countries was 143,000 in 2013, which is as close as it got to falling to below 100,000. The next year it was back up to 194,000. The estimate for 2016 is that 164,000 people from non-EU countries settled in the UK – which, for the first time, is lower than the number of EU citizens who settled here (but only 1,000 lower, a number which is statistically insignificant).

As the figures indicate, the recent history of the Government's attempts to reduce non-EU migration significantly is one of failure. If Government policy, post-Brexit, has the same level of success in controlling migration from EU countries that pre-Brexit Governments have had in controlling migration from *non*-EU countries, migration from EU countries is unlikely to fall significantly.

Does this mean that the Government's attempts to introduce policies that control immigration are doomed to

fail? Not necessarily. There are a range of policies which could be effective – but they require a degree of commitment, and a level of expenditure, which so far, the Government has given no indication that it is prepared to give. That may be because ministers do not believe that the British people are eager to expend the sort of resources, or to incur the sorts of costs (which would not merely be financial) that would be involved in effectively controlling immigration. They may be right about that matter. There is little information on the topic. As far as we know, there have been no reliable surveys which indicate how much of their money British taxpayers are prepared to see devoted to reducing immigration.

Reducing immigration to the UK: theory

It should be possible for immigration to be reduced by Government policy. Immigration has increased at least partly as a result of changes in Government policy. If Government policy can increase immigration, presumably Government policy can also reduce it.

The most obvious example of Government policy increasing immigration was the decision to allow Eastern European countries free access to Britain once they had joined the European Union. When Poland joined the EU in 2004 (along with eight other countries in Eastern and Central Europe), the British Government, then under Tony Blair, decided not to delay granting citizens of the EU's new member's full rights to work and live in Britain. The British Government could have postponed the granting of those rights for seven years, as many other long-time members of the EU did, such as France and Germany. But the then Labour Government believed that the British economy would benefit from migration from the new EU countries, which in

any case was predicted by official estimates not to amount to more than 13,000 in any one year, and was confidently expected not exceed a total of 40,000 over ten years.

The official estimates turned out to be wildly wrong. They underestimated the amount of immigration by a factor of 25: over the next decade, more than a million people from the countries that had recently joined the EU took advantage of 'free movement' and moved to work and settle in Britain.[2]

There was another large increase in the number of migrants from the EU as a result of Government policy in 2014.[3] In 2013, net migration by citizens of EU countries was around 82,000. But in the 12 months ending March 2015, the net total of citizens from EU countries migrating to Britain was at least 184,000. Many of the new arrivals were from Bulgaria and Romania: although Bulgaria and Romania joined the EU in 2007, citizens of those countries did not gain the right to work and live in Britain until January 1, 2014.[4]

That sudden increase in migration to the Britain from EU countries between 2013 and 2015 – the numbers nearly tripled in less than 18 months – may have prompted many voters in the Brexit referendum to think that the most effective way to diminish migration was to exit the EU, thereby eliminating the automatic right of every EU citizen to work and live in Britain.

For reasons we will explore, closing the door is not going to be as easy as opening it. But even if it were – even if there were policies which would reduce net migration from EU countries into the UK to zero – it would not be enough to enable Mrs May, or indeed a successor from any party, to reduce net migration into Britain to fewer than 100,000 people a year. The reason, as we have already indicated, is simple: more than 150,000 people from *non*-EU countries migrate to the UK each year. Migration from EU countries

only makes up half of the annual total. So, to 'take control of immigration', and reduce it to the level that the present Government believes is acceptable, immigration from *non-EU* countries would have to be diminished very significantly as well – unless of course the British public is *only* bothered by migrants from EU countries, and not concerned by the number of migrants from non-EU nations. We see no evidence whatever for this proposition.[5]

Will abolishing 'freedom of movement', the automatic right of every EU citizen to work and reside in Britain – which the Government says it is determined to do – reduce immigration, just as establishing that right increased it? In theory, the answer is 'Yes', although abolishing 'freedom of movement' will not reduce the number of people who migrate from EU countries to Britain to zero, because it is almost universally accepted that Britain needs the skills of scientists, doctors, nurses, academics, entrepreneurs, business people, and other 'high-value' experts from foreign countries, including EU countries. Which means that the Government will not try to implement a law which bans *all* migrants from foreign countries from settling in Britain permanently, but only some of them. There will, on all but the most extreme political programme, be room for a certain number of highly-skilled foreign migrants to the UK for the foreseeable future. One element of immigration policy will be deciding who these highly-skilled people will be. But some of them will certainly be from the EU. The Government will be able to decide who, in a way which was impossible while Britain was part of the EU.

There is less agreement on the extent to which the British economy needs low-skilled workers from foreign countries who are prepared to perform tasks such as caring for the old, or picking fruit, gutting fish or waiting at tables, while

being paid low wages. Many employers claim they cannot recruit British workers to do those jobs at the rates of pay the employers say are the most generous they are able to offer while still staying in business. Some economists insist that this claim is false: these firms would not go bust if they paid their un- or low-skilled staff more. The reluctance of British workers to take those jobs merely shows that levels of pay are too low, and that if there were no migration, those rates of pay would have to be raised to a level at which British workers would take the relevant jobs.[6] It is worth noting that, even as things are, most foreign workers who are at the lowest end of the pay scale have their wages supplemented by tax credits. This amounts to a subsidy of foreign workers paid for by British taxpayers – and it may be one of the sources of the widespread resentment against immigration.[7]

The answer to the question of whether, were there no immigration, wages would have to rise in order to attract British workers, is not purely factual: there is the evaluative element of what firms *ought to pay* their staff – and that cannot be wholly disentangled from the answer to the question of whether pay rates are already as high as they can be without damaging the viability of the firms that pay them.

We do not need to take any particular view on this vexed matter. We only note that Labour, Coalition and Conservative governments have all tended to side with the employers in this dispute: there were, for instance, several thousand immigrants from Bulgaria and Romania legally admitted into Britain by the last Labour Government, to do mostly low-skilled, low-paid jobs, in the years before those countries were given the automatic right to live and work in the UK under 'freedom of movement'.

Our point here is that almost everyone recognises that *some* level of migration by foreign nationals to Britain is

desirable, and will be necessary for the foreseeable future if the British economy is to flourish. There is no serious or responsible political party that thinks the aim of immigration policy should be to reduce net migration by EU nationals or nationals of any other foreign country to zero. Rather, its aim should be to reduce it to a 'sustainable' level.

For the purposes of this pamphlet, we accept the present Government's claim that, for Britain, the sustainable level is a figure for net migration of around 100,000 every year.[8] So whatever restrictions on immigration the Government has in place, they will have to be such as to allow an additional 100,000 foreign nationals, whether from the EU or elsewhere, each year to live here whilst working or studying. (That figure of 100,000 new arrivals obviously includes, post Brexit, EU nationals.)

Thus, ending 'freedom of movement' will not, even in theory, mean that migration from EU countries is reduced to zero. It will be reduced to whatever portion of 100,000 Government ministers and officials think is appropriate.

Unacceptable policies

There are various policy options which would, in theory, reduce immigration, but which no reasonable politician or voter would endorse. The majority of migrants come to Britain to work or to study, or to do both.[9] There is some evidence that the perceived level of Britain's prosperity has an effect on how many people migrate here: immigration dropped significantly after the financial crash of 2007 and the economic depression that followed it.[10] So one way of reducing immigration would be to adopt policies that would make Britain so poor that most would-be migrants no longer think it worth coming here: they would rather

stay home, or to go to other countries. But no-one in their right mind would think that it would be worth engineering an economic catastrophe in Britain in order to diminish immigration.[11]

Another theoretical option for reducing migration is the mercilessly violent enforcement of immigration controls. Communist East Germany was not particularly concerned about preventing people migrating *into* the country: the nature of life under so brutal and repressive a regime ensured that very few people wanted to do *that*. But the East German state was very eager to stop people leaving it. This it did by building walls and the barriers on its borders and then instructing guards to shoot people who crossed the border without permission. It had the effect of minimising attempts by East Germans to leave East Germany. North Korea operates a similar system today, with similar effects.

It is probable that a similarly violent and cruel policy for dealing with foreign nationals who entered Britain without permission from the Government would significantly reduce the numbers who attempted to enter illegally. But it is also obvious that such a policy would not be acceptable to any decent human being, and it is not going to be considered, even as a theoretical possibility, by any British minister or official any time soon[12].

No immigration or emigration policy is 100 per cent effective at preventing people from moving to or from any given country should they be sufficiently determined to do so. It is significant that even the East German policy of shooting to kill people who tried to emigrate did not succeed in reducing attempts at emigration to zero, and neither has North Korea's use of that policy – which has been so extensive as to turn the whole country into one vast prison. There is always a gap between any policy for restricting

movement across borders and its enforcement, and there are always choices to be made about how vigorously any given policy is enforced. Every policy which restricts immigration to Britain will generate attempts to evade it by people who are not British, but who are strongly motivated to move to Britain in order to improve their standard of living.

How easy will it be to evade it? is always a pertinent question to ask of any policy, but it is particularly true of policies that aim to restrict immigration, because policies which are easy for would-be immigrants to get around can easily become straight-forwardly self-defeating. Such policies are liable to produce the situation where the number of immigrants is not significantly reduced, but the immigrants who arrive do so illegally and continue to live here illegally, which means they do not pay taxes, but rather operate in the black economy and become habituated to breaking the law.

For that reason, ineffective immigration controls can be worse than no immigration controls at all. The country receives none of the fiscal benefits of the additional immigration, while paying a whole series of hard-to-quantify costs, such as the cost of creating a new and very large class of criminals: illegal immigrants.

While it very important to have effective immigration controls rather than ineffective ones, the goal of restricting migration does not justify *any* means that would achieve that end, as the East German case shows. It must be assumed that whatever policy is implemented for restricting the immigration of EU nationals to Britain, there will be ways to evade it, so that even if *legal* immigration by EU nationals were to be reduced to zero, *illegal* immigration would not be.[13]

It is certainly true that the present restrictions on immigration to Britain are evaded. How many people evade them – *how much* illegal or 'irregular' migration there is

into Britain every year – is not known, and there have been very few attempts to estimate it.[14] Yet having a reasonably accurate idea of the amount of illegal immigration is critical to understanding the impact of immigration on Britain. It is also essential if the Government is to be able to know whether its policies are reasonably effective in reducing immigration – and therefore for its being able to choose policies which actually *are* reasonably effective. It is also critical to the planning of public services and of infrastructure.

The first thing that needs to be done in order to evaluate the extent to which existing policy on migration is working, or not working, is to establish exactly how many foreign nationals are migrating to the UK each year.

2

Official estimates of migration levels

The Office of National Statistics (ONS) estimates that a total of 370,000 foreign nationals migrated to the UK during the year March 2015-March 2016. The ONS estimates that 551,000 foreign national arrived to settle in the UK during that period. But 181,000 foreign nationals left Britain, it is presumed permanently, which means that the population of Britain increased by 370,000 foreign nationals in the year March 2015-March 2016 (551,000 – 181,000 = 370,000). The ONS goes on to state that the total of 370,000 was estimated to be comprised of 180,00 people from EU countries, and 190,000 people from non-EU countries.

This raises the obvious question: how accurate are the ONS estimates? It is important to recognise that the ONS's yearly estimates of the number of foreign nationals who migrate to the UK to live and work here are just that: estimates. They are not the result of exact counting. Rather, they involve taking a relatively small sample and extrapolating from it.

They also do not include any estimate for the number of illegal migrants each year.[1] As we shall explain below, this has very important consequences for whether or not the ONS estimates provide a reasonably accurate picture of the amount of migration into Britain each year – and therefore

for whether or not ONS estimates can be used to assess the effectiveness of Government policies to reduce immigration.

Calculating even a reasonably accurate estimate of legal immigration to the UK turns out to be extremely difficult. One might think that the best way to start would be to count the number of foreign nationals who arrive in Britain over a 12-month period, and then to subtract the number who leave. How difficult can that be? Every foreign national who goes through the UK border legally is required to show their passport, which is scanned by officials at the border. A record is kept of when each particular individual arrives: their name, date of birth, and how long they are legally entitled to remain in the UK.

Since 8 April 2015, a system of checks known as 'e-borders' has also been in place: the company providing transport – whether it is on a plane, a coach, a train, or a ship – is required to pass to the UK Government a manifest of the passengers on every journey that takes place on any medium of conveyance under its supervision out of, or into, the UK. The manifest must state the name, date of birth, nationality and passport or identity card number of every passenger.[2] This provides the Government a computerised list of everyone (and so every foreign national) who leaves or enters the UK on any given day.

It might seem, therefore, that the best way to get an initial sense of the scope of migration to the UK, and of how many foreign nationals have violated the terms of the visas they were granted, would simply be to marry up the data from the entrance checks with the data from the exit checks. The Home Office has data analytical systems capable of doing this.

But the ONS does not use them. It does not use either the entry data or the 'e-borders' exit data to calculate its estimates of immigration to the UK. Why not? Part of

the reason may be that the Home Office, which keeps the relevant records, does not release them. This is despite the fact that the Home Office announced, in a fact sheet on exit checks, that they would 'give us the most comprehensive picture we have ever had of those who enter the UK [and] who leave when they are supposed to'.[3] We applied to the Home Office under the Freedom of Information Act for some of the information that those exit checks had revealed: for instance, the number of foreign nationals who had been given visas for a stay in the UK lasting a year, but whom the exit checks revealed had not left the UK once a year was up. We sent our request on August 8, 2016. An official from the Home Office replied on August 23, 2016, insisting that the Government does not have the information we requested.

We find this very hard to believe. Nearly 18 months of data from exit checks must have revealed some information about the number of people who, having entered the UK on a visa granting a right to reside in the UK for a year or less, have not left the UK after their visa has expired. There would have been over 150,000 visas issued each month to visitors to the UK after exit checks were introduced on April 8 2015. Those visitors had to leave the UK within 6 months. There would consequently have been records of the extent of compliance with that requirement: the Home Office would have been able to identify how many of those issued with 6 month visas left when they were supposed to, and how many did not.

If the Home Office genuinely does not have this information, it would follow that the whole exit checks system has failed to achieve its fundamental purpose, which was – as Ministers said when they set it up – to record accurately who has left the UK and on what date. It is *possible* that there has been a major failure in the system,

and that it has recorded nothing, or nothing useful. But it is surely much more likely that the Home Office has gleaned information from the e-borders system – but is unwilling to release it to the public. That information would almost certainly show that a very large number of foreign nationals have not left Britain when their visas expired. That number would have to be added to the annual total of immigration into the UK. It would be extremely embarrassing for the Government – reason enough, we think, to ensure that the information is not released.

Being given a visa is not, of course, the only way a foreign national can migrate to Britain. Britain does not require citizens of a large number of countries to have visas in order to visit.[4] As we have already noted, until Britain has formally left the European Union, anyone from any member state is free to move to the UK without obtaining any formal permission from the British Government to do so. There is obviously no official record of the number of permits issued by the Government to people migrating to Britain from the EU, because no such permits are issued.[5]

But for non-EU countries – for those citizens of those states who *do* require a visa of some sort from the British Government in order to live and work in Britain for more than a year – surely it must be possible to get, from the Government, the exact number of visas issued to foreign nationals that authorise them to work and reside in the UK?

In fact, it is not possible to obtain this information in a form that can be used to make estimates of immigration. Visas include the permits issued to foreign nationals so they can live with their spouses or be reunited with members of their close family. But visas issued by the Government are not broken down into short-term visas (which do not count towards migration) and ones for more than a year (which

do). The ONS has concluded that using the visa total to calculate non-EU immigration would inevitably hugely over-estimate it, because it would include the many thousands of visas issued to people who are only in Britain for a short visit and who have no intention of living or working here permanently. Furthermore, there is an unknown number of people who, although granted visas to work or settle in the UK for a year or more, in the end decide not to come. This is a further source of uncertainty, which helps to persuade the ONS not to use the number of visas issued as a way of estimating migration to the UK.

Visas do not exhaust the permissions issued by the UK Government to foreign nationals from outside the EU to live and work in the UK. There are also grants of asylum. These *can* be identified, and counted – but they are a relatively small part of the total. For the year to June 2016, for instance, there were 9,957 grants of asylum. There were also 3,439 refugees from Syria who were allowed to settle in the UK during the same period under the Syrian Vulnerable Persons Protection Scheme, which it is anticipated will lead to the permanent residence in the UK of an additional 20,000 Syrians by 2020. But last year, the two together represented a little over 3.5 per cent of the estimated total of net migration.

Are there any other data sources that could be used to count, rather than to estimate, at least a substantial portion of the number of migrants to the UK? There are. Most migrants come to the UK in order to work: the number of foreign nationals arriving to work in the UK ought to track the total migrating to Britain fairly closely. This is true because, even though a substantial proportion will work in the black economy, the majority will not: they will pay taxes and hence be on Government data bases.

It might appear, therefore, that there is a simple alternative

that would at least allow an accurate calculation of the number of foreign nationals who have arrived to work in the legitimate, rather than the black, economy: all the ONS has to do is to count the number of new national insurance numbers issued by the Department of Work and Pensions over, say, the last three months, to people who are not British.

But the ONS does not do this. Its officials say that new National Insurance Numbers (abbreviated as NINos) issued to foreign nationals are not reliable as a measure of the number of foreigners working in the UK, because there is evidence that many foreign nationals acquire NINos and then leave the UK after only working here for a few weeks, or even without working at all. The result, the ONS officials claim, is that NINos dramatically overstate the number of foreigners working in the UK. They claim this on the basis of a sample of NINos issued for EU nationals that shows that only 41 per cent of them had 'long term interactions' (i.e. paid national insurance or claimed benefits over a long period) with the tax authorities or the Department of Work and Pensions.

As the ONS recognises, there could be reasons other than leaving the UK for this apparent lack of activity, and even the ONS accepts that not *all* those whose National Insurance Numbers do not demonstrate 'long term interactions' with HMRC, or with the benefits system, *must* have gone home. The number who have left the UK could be identified simply by comparing the HMRC and benefits system records with the exit data held by the Home Office. But it isn't done.

Surprisingly, one possibility they don't consider is that at least some of those issued NINos are working illegally, without paying any form of tax at all. This is what a number of UK nationals with National Insurance numbers do. It would be very remarkable if no migrants at all chose that option.

We think that the evidence does not establish the ONS' conclusion that NINos are unreliable. We believe that NINos should be reviewed as part of the overall evidence used in estimating the number of immigrants in the UK. But the ONS does not use them at all. That practice unquestionably leads to lower estimates of the number of foreign nationals working in the UK.

If NINos are taken to provide evidence on the scale of immigration, many more people are migrating to the UK from EU countries than the current ONS estimates suggest. There were 630,000 NINo registrations from EU citizens in the year ending December 2015, which was seven per cent more than the previous year. In the same year, the number of NINos issued to citizens originally from non-EU countries was 197,000.

How many of the total 827,000 NINos issued went to people who either delayed their visit to the UK or perhaps did not ever arrive here? There should be a straightforward way to find out: gather the data from the e-borders exit checks, which will reveal who left when; and from the checks at the border when foreign nationals enter the UK, which will reveal who entered, and when.

The ONS does not do this, however. We do not know why, but again we think it is likely to be because of the political sensitivity of the e-borders data: if it was given to the ONS, that data would be publicly available. But whatever the reason for its reluctance or inability to use other data to help make NINos more reliable as a way of counting the number of foreign nationals working in the UK, the ONS dismisses NINos outright and does not use them in making its estimates.

Instead, it relies on the data from the International Passenger Survey (IPS) as a means of estimating the number of foreign nationals who immigrate into the UK during any

given three-month period. Using figures generated by the IPS is also the Government's preferred way of measuring out-migration.

The IPS conducts between 700,000 and 800,000 interviews every year at the points of entry to the UK (airports, train stations, ship ports, and so on). Only about 5,000 of those interviews are with people who describe themselves as migrants to or from Britain. About 100 million passengers cross the UK border each year, which means the IPS sample represents less than one per cent of the total number of annual border crossings.[6]

The small size of that sample is one problem with the IPS. Statisticians have ways of trying to ensure that extrapolations made from small samples are as accurate as possible, but the error ranges associated with doing so are inevitably extremely large. Relying on the very small samples of migrant travel collected by IPS means that the Office of National Statistics can only produce estimates – they could equally well be called guesses – which involve a great many fallible assumptions.[7]

A different problem with the IPS is that its accuracy depends on the people its staff interviews telling them the truth. An unknown portion of those who IPS officials interview have a strong motive not to do so. If you were intending to stay on indefinitely to work in a foreign country after your tourist or student visa expired, would you truthfully admit it to an official who identified themselves as working for a Government agency, even if you were told that anything you said would be anonymised and could not be traced back to you and used against you? Merely to pose that question is enough to answer it: it is highly unlikely that *anyone* entering the UK would admit to an official that they intended to flout the UK's immigration laws.

There is evidence which suggests that estimates of immigration derived from samples generated by the IPS are indeed inaccurate. During the decade from 2001-2011, the estimate of total migration to the UK, based on the IPS, was calculated to be 2.18 million people. But the results of the 2011 Census indicated that the population of England and Wales was 464,000 higher than was expected, given the results of the 2001 Census. What had happened to cause the increase in population? Commenting on the disparity, the ONS said the 'largest single cause is likely to be underestimation of long-term immigration from central and eastern Europe in the middle part of the decade.' Since the ONS generated its original estimates of the level of migration by using samples that came from the IPS, the only conclusion is that the samples from the IPS seriously underestimated migration. The ONS now estimates that total net migration during the decade 2001-2011 resulted in 346,000 more people from foreign countries settling here than its officials initially thought when they used data from the IPS: as a consequence, net migration went up from 2.18 million to 2.53 million, or by 16 per cent.

We find it puzzling that the IPS is thought to be significantly more accurate than NINos as the basis for generating an estimate of foreign nationals arriving and working in the UK. We think NINos give a better estimate of the number of foreign citizens who migrate to the UK in order to work, and that the NINo total of 827,000 for 2015 is likely to be more accurate as a measure of the scale of work-related migration (not *net* migration) than the IPS's much lower estimate of 550,000 for migration of all kinds. But even NINos will under-represent the total number, for the simple reason that NINos do not count illegal migrants.

3

Illegal migration

Perhaps the most misleading part of the ONS estimates of migration is that they do not make any attempt to include any estimate of the number of illegal or 'irregular' immigrants into Britain. The number of people who have moved to Britain and are living here illegally is, for obvious reasons, not known with any degree of certainty, and perhaps it cannot ever be accurately measured. All the same, there are good reasons for believing that the number of illegal migrants is very significant. It is not good enough to say 'We just don't know what the numbers are', and then drop the subject completely, which is what the Government does. There is a great deal of concern about illegal migration.[1] Pretending that, because its size cannot be accurately estimated, illegal immigration does not matter, is not an adequate response

The most obvious reason is that people are regularly discovered trying to smuggle themselves into the UK. The Independent Inspector for Borders and Immigration has reported on what are termed 'lorry drops': foreign nationals who are found on the back of a lorry, or trying to get off it, after that lorry has been through the UK border.[2] The report states that in the 6 months April-September 2015, there were 6,429 migrants who were discovered to have entered the UK on the backs of lorries. If that rate is maintained throughout the year, it would mean that the annual total of foreign nationals

who were identified trying to get into Britain illegally by hiding in lorries would amount nearly 13,000. How many were *not* detected, managing to evade the attempts to stop them? The ratio of successful attempts to unsuccessful ones is, for understandable reasons, not known. It could be as high as five to one; it is unlikely to be less than three to one.[3] Let's assume that it is three to one. Then nearly 40,000 migrants would arrive annually in Britain though this route.

'Lorry drops' are not, however, the only way in which people who are not legally entitled to live and work in Britain nonetheless manage to do so. Another well-established way is for a foreign national to fail to leave when their visa expires (as with those arriving hidden on lorries, while Britain remains a member of the EU, this group will only include people from *non*-EU countries: students from EU countries don't need a visa to live and work in the UK). This method is recognised to involve many more individuals than those who come in through 'lorry drops'.

Around 2 million visas are issued to foreign nationals to visit, study, work or live in Britain every year. There is no routine attempt to check whether an individual has left by the time their visa expires. In fact, there is almost no check at all. In theory, checks could be done: the e-borders system now makes it possible to identify at least the portion of the total who were granted a one-year visa after 8 April, 2015, but who had not left by October 8, 2016. But although ministers have stated that it is their intention to do this, it hasn't been done. For the vast majority of migrants who are issued visas which give permission for an individual to live and work in the UK for a fixed period, the decision of whether to leave the UK by the time their visa expires is left almost entirely to their own honesty. That is also true of the many thousands of foreign nationals who visit Britain on a

six-month tourist visa. It is assumed that their commitment to obeying the law and visa regulations will outweigh any motive they have for continuing to stay in Britain, so there is no need for any form of intrusive checks to ensure that the terms of the visa have been complied with.

For the majority, probably for the vast majority, of people issued with a visa authorising a stay in the UK, that assumption is going to be correct. But if only one person in a hundred stays on deliberately beyond the date of their visa with the intention of residing in the UK for at least a further year, that would add 20,000 illegal immigrants every year (2,000,000 visas of this type are issued each year, divided by 100 = 20,000). Together with those arriving on the back of lorries, the estimated total of illegal immigrants to Britain each year would be in the region of 60,000.[4] In fact, there is good reason to think that the numbers who stay on in the UK after their visas have expired is much higher than that.

Let's begin by considering foreign nationals who receive visas to study for a year or more at a college in the UK. In 2015, there were 137,506 visas issued to non-EU nationals who wished to study in the UK for a year or more. That number has fallen consistently since 2010, when over 200,000 visas of that kind were issued: 2015 was the first year since 2008 that the figure has been below 140,000. Some students apply for permission to study for a further period in the UK: a few receive that permission. But most do not. If most non-EU students left after their course was completed, one would expect that, at a minimum, around 100,000 people on student visas year would leave the UK each year in the years after 2012.

But that is not what the estimates of departures derived from the International Passenger Survey show. The results from the International Passenger Survey suggest that at

most 50,000 people on student visas from non-EU countries left the UK each year in the years 2012-2015. A portion of the remainder may have successfully applied for an extension to their stay here. But that group will be a relatively small portion of the 50,000 annual total who remain here. It means there must be a large number (in the tens of thousands) who remain in the UK by illegally overstaying their student visas.

There are other indications that the scale of illegal or irregular migration is significant. Data obtained from the State Bank of Pakistan suggests that the number of remittances sent back to their home country by Pakistani workers in Britain increased by a factor of six between 2001 and 2009 – but according to the Labour Force survey, the number of Pakistani workers in Britain increased by only two thirds over that period. A paper published in 2011 by Migration Watch calculated that this indicated an irregular or illegal population of 200,000 migrants to the UK from Pakistan alone.[5]

People who have sought asylum in Britain, but whose claims for that status are rejected, are another source of illegal migrants. In the year to June 2016, a total of 9,957 people were granted asylum in Britain. But 36,465 people arrived in Britain and applied for asylum in that period. What happened to the 26,508 whose claims for asylum were rejected by the British state? Some will not have had their claim definitively rejected, but only rejected by an initial tribunal: many belonging to that group would stay on, as they are entitled to do, pending the outcome of an appeal. The 2016 Government statistics on asylum seekers state that there were 2,274 enforced returns (down 37 per cent on the previous year, when there were 3,617 enforced returns), and 1,172 voluntary returns (down 35 per cent from 2015, when the total number of voluntary returns was 1,816). That

means a total of 3,446 people whose claim for asylum was rejected left the UK – which leaves 23,062 who did not.[6]

The appeals process can take years before a final decision is reached. Once that process is exhausted, it would be false to say that all of the people whose claims for asylum are definitively rejected stay on here: it is certain that some will leave or be deported by the Home Office. The number who fall into that category is not yet available for 2016, but if 2016 is anything like 2015, it will be around 5,000. But that will still leave a substantial group who stay on illegally. It probably won't be as high as 20,000 people. But it might very well be larger than 10,000.

In theory, the Home Office has a duty to ensure that all of those asylum-seekers whose claims are definitively rejected by the courts leave the UK, deporting them if that proves necessary because they refuse to leave voluntarily. In practice, the Home Office does very little to ensure that all or even a majority failed asylum seekers leave Britain. But there is not much that the Home Office can do, given the resources that are available.

There are just over 4000 places in immigration detention centres around the UK. Even if all those places were filled by failed asylum-seekers – which they are not – only a fraction could be detained pending deportation. There is not the capacity to detain all of them, never mind the foreign nationals convicted of serious crimes, who are supposed to be detained prior to deportation. In fact, the numbers we cite above show that positive action to ensure the removal of bogus and failed applicants for asylum is rare and not effective in procuring their departure from the UK.

The return of foreign nationals whose claim for asylum has been turned down by the UK authorities also depends on officials from the unsuccessful asylum-seeker's native

country being willing to facilitate their return to it. Many countries are not willing to do this, erecting bureaucratic barriers of one kind or another that make returning them impossible in practice. The relevant embassy can, for instance, refuse to provide the documents – such as a passport – that people whose claims for asylum have been rejected need if they are to be able to enter their own country. Officials can also do this for those who have overstayed their visa to the UK, or who are working here illegally. It is immensely frustrating to the Home Office because it is so effective at blocking attempts to remove people who have no right to be here.

Overall, it is clear that the UK's present practice is not an efficient way of ensuring that immigration policy is enforced. Even those writers who are generally reluctant to attribute dishonesty to foreign nationals seeking to migrate to Britain think that present enforcement policy has led to a large number of illegal (or as they put it, irregular) migrants in the UK: Ian Gordon, Kathleen Scanlon, Tony Travers, and Christine Whitehead, for example, the authors of a GLA/LSE paper, *Economic impact on the London and UK economy of an earned regularisation of irregular migrants to the UK*, put the figure at 220,000 over the seven years between 2001 and the end of 2007.[7] That estimate would involve significantly more than half of asylum seekers whose claims are rejected staying on in the UK illegally.[8]

Surprisingly, the authors of the GLA/LSE paper think that only about 0.5 per cent (or one in 200) of those who are granted a visa to live or work in the UK with a definite expiry date fail to leave when their visa expires. It is not clear why they think there should be such a gigantic disparity between the two groups' willingness to comply with British immigration law. It might be plausible to claim that those

seeking asylum might have a stronger belief that if they stay on regardless of an order to leave, they will eventually be granted the right to stay here. But it is not plausible to claim that the result would be that the proportion of asylum-seekers who stay on in violation of immigration law and regulations would be one hundred times as great as the proportion of those who are granted a temporary residence visa and who remain here once their visa expires. It is of course very difficult, perhaps impossible, to estimate accurately what that proportion actually is. But it is much more likely to be one in twenty than one in 200.

Official estimates of illegal migration to the UK

The Home Office, having insisted for years that it was impossible to estimate illegal immigration accurately and futile to try to do so, finally produced its own estimate of the numbers of illegal migrants to the UK in 2005. The Home Office's report used the data from the 2001 UK Census. It reached its estimate by using what is known as the 'residual' method: taking the total number of people who were recorded as foreign-born in the 2001 Census, and then deducting from it an estimate of the number of the foreign-born people legally residing in the UK. The resulting number, or 'residual', is the figure for illegal migrants.

There are various other technical processes that are applied to try to compensate for errors and biases in order to reach the final estimate, which is why the Home Office ended up with an estimate that is a range between two numbers: it suggested that there were somewhere between 310,000 and 570,00 illegal immigrants in Britain on Census Day 2001, with 430,000 as the number that could be stated with the most confidence.[9]

Jo Woodbridge, the author of the Home Office report, stressed that the 'residual method' is the 'only one that currently can sensibly be applied in the UK'. Although that claim is supported by the academic consensus, the limitations of the method – in particular, its tendency to under-estimate illegal migrants – are nonetheless well-known. It depends on the census recording foreign-born people resident in the UK to a reasonable degree of accuracy, which it is not very likely to do, since most of those who are not legally resident in Britain have a strong motive to hide their presence from the UK authorities and so are not likely to fill in a census form. But in any case, the data from the 2001 census obviously cannot give an accurate picture of the UK's population of illegal migrants in 2016, given that there have been an unknown number of new illegals every year since 2001.

The Home Office has not published any estimate of illegal immigration since 2005. It has produced further estimates – but for internal consumption only. Those estimates are partly based on the number of illegal immigrants that officials encounter as they check businesses, colleges and housing in an effort to make sure that immigration law and regulations are being followed. Extrapolating from, amongst other figures, the number of illegal immigrants that enforcement and other immigration officials encounter every year, the Home Office has reached the conclusion that every year, between 150,000 and 250,000 foreign nationals fail to return to their home country when they should – either because they have failed to return home when their visa has expired, or when their asylum claim was rejected, or because they have arrived in Britain without having the legal entitlement to be here in the first place. Some will eventually go home. But the net growth in the population of illegal migrants in

the UK is likely to be much higher than officially published estimates suggest.

The Home Office's estimate of the number of illegal migrants being added every year to the number already living illegally in Britain is extremely large. It would almost certainly result in a figure for the cumulative total of illegal immigrants in Britain which would be well above even the estimate of 1.2 million illegal migrants given by MigrationWatch in 2010.[10]

It is understandable that the Home Office should have kept those estimates to itself: they are politically extremely embarrassing. Large numbers of illegal immigrants are a clear indication that immigration policy is not having the effects it is meant to. But it is obviously wrong not to release the estimate of the number of illegal immigrants to the public. They are a critical element in the debate on immigration. Keeping them secret may save ministers from embarrassment. But it makes proper policy planning impossible.

Is the Home Office estimate of the amount of illegal immigration every year anywhere near to being accurate? It is impossible to know. The true total might be higher. But it could also be lower. The Home Office could provide a figure that was more likely to be accurate simply by using the data from the e-borders system. That data makes it possible to calculate accurately how many foreign nationals have, over the past year, stayed on in Britain after the visa allowing them to live, work or study here has expired. But as we have already emphasised, the Home Office appears extremely reluctant to use that system for the purpose for which it was designed.

It is important to stress the amount of ignorance that shrouds this topic. Still, if the Home Office estimates of the numbers of illegal immigrants being added each year are roughly correct as to the order of magnitude, the actual

number of foreign migrants added to the UK population every year could be 50 per cent higher than the official figures claim. That would do a great deal to help explain why UK voters are so concerned about illegal immigration – much more concerned, indeed, than they are about legal immigration. If illegal immigration is at levels which mean it can be safely ignored – which appears to be the Government's attitude, since it rarely talks about it and never provides estimates for it – that greater concern is puzzling. But if illegal immigration is actually running at close to half the level of officially-endorsed immigration, it makes perfectly good sense that people should be very worried by it.

Consequences of not including estimates of illegal migration

Illegal immigration hardly features at all in discussions of immigration policy, other than by extremists whose pronouncements are aimed at generating fear and prejudice. This has two bad effects.

One is to ensure that the extremists' claims are not rebutted effectively, which does indeed generate fear and prejudice – fear and prejudice which could be diminished or at least prevented from increasing were illegal immigration to be openly and sensibly discussed. For instance, it may be that the hostility to immigration demonstrated by the Brexit vote is actually hostility to *illegal* immigration, and that were illegal immigration to be significantly diminished, there would be less opposition to the amount of legal immigration that is taking place.

The other effect is that because policy is not assessed in terms of its effect on illegal immigration, it is designed without considering those effects. Which means that it may

well be self-defeating: not only does it fail to reduce the number of foreign citizens settling in the UK, it also ensures that a very high proportion of them will not pay taxes and will be involved in illegal activity. As we have pointed out, the extent to which immigration laws and regulations are evaded are an indication of how well or badly immigration law is working, and thus of whether it needs changing. It is difficult to assess the effects of introducing a large population of people who can only remain in this country by breaking its laws. But it is even more difficult to see how those effects can be good.

We assume that almost everyone would take the view that if the Home Office's internal estimates are correct, and there are around 150,000 additional illegal migrants a year, that would be too high a figure. That generates three questions. First, is there an acceptable method of enforcing any policy for restricting immigration that could reduce the number of illegal migrants to close to zero? Is this an achievable policy goal? Second, if it is *not* realistically achievable to reduce the number of illegal migrants to close to zero – what number of illegal immigrants would be acceptable to the Government? Third, what is the immigration policy which *would* lower the number of illegal immigrants in order to reach whatever number is thought to be acceptable?

An amnesty for illegal immigrants

One answer to that third question would be for the Government to 'regularise' all immigrants who are in Britain in violation of immigration law by granting them all British citizenship or some sort of permanent residency with a form of 'immigration status' which might be less than full citizenship.[11] It would have the advantage of

turning almost all[12] illegal immigrants into tax-paying, law-abiding members of British society. It would save most of the taxpayers' money that is currently devoted to the construction and enforcement of immigration controls, although the need to protect UK security would presumably require that the UK border remained, with appropriate apparatus for checking who was passing through.

It would have the disadvantage of encouraging further illegal migration in the expectation that there would be future amnesties. That has been the experience of other countries which have offered 'one-time' amnesties, and of the UK, when it offered an amnesty to asylum seekers in October 2003[13]. The offer has not ended the problem of illegal migration. It has rather exacerbated it by encouraging illegal migrants to think that sooner or later, they will be accepted as full members.[14] It has meant that a few years later, the problem of illegal migration is just as bad as it was before the amnesty, if not worse.

Rather than thinking in terms of a one-off amnesty, which involves the 'regularisation' of one group of illegal immigrants – those who happen to be in the country when the amnesty is declared – it would be more honest, and perhaps more just, to recognise that such an immigration policy should aim at the regularisation of *all* illegal immigrants. That is, it should aim at the ending of immigration controls altogether, because this alone will solve the problem of illegal migration once and for all. It will do it by the admittedly extreme expedient of making it impossible to be an illegal migrant. Many economists think that this would have economic benefits for the UK. It is part of economic orthodoxy that the free movement of goods, services and people tends to enhance wealth, and barriers to such movement (such as national borders) tend to diminish it.

Not all economists take that view, however. Paul Collier, Professor of Economics and Public Policy at Oxford University, thinks that abolishing all immigration controls would mean an enormous increase in the annual influx of immigrants to the UK. He believes that life is so bad in many developing countries – economic and other opportunities are so restricted and impoverished – that virtually all the inhabitants of those countries would migrate to Europe or the United States if they were able to do so and felt sure of being able to stay there once they made the journey. As well as crippling the countries they left, Collier believes that the arrival of such a large number of immigrants would be likely to have a very seriously destabilising effect on the culture and economy of the country that accepted them, damaging the levels of trust and commitment to the legal system that are essential to maintaining the prosperity, together with relative lack of both corruption and the systematic plundering of collective resources, that are characteristic of developed economies in Europe.[15]

But resolving the dispute on whether an open border would be beneficial or harmful to the economy of Britain is not necessary for making a decision on whether Britain should adopt an immigration policy based on dismantling border controls. At present, as far as practice rather than theory is concerned, it doesn't matter whether abolishing immigration controls would in fact increase prosperity, because the answer to the question of whether immigration policy should be based around abolishing immigration controls has effectively been determined by the Brexit vote and by the result of the 2015 General Election, both of which clearly indicated that there is no enthusiasm whatever amongst the British electorate for an 'open door' immigration policy. Things may change in the future, but

for the moment, the Government has a popular mandate to reduce immigration. It has none to introduce policies which would increase it, as abolishing border controls of all kinds certainly would.

So for the time being, the problem of illegal immigration cannot be solved by abolishing immigration controls and with them the category of 'illegal migrant'. If that problem is to be solved, it has to be through implementing policies which are effective in reducing illegal immigration.

4

The enforcement of immigration controls

Existing immigration policy is clearly not working in the way it is intended to. Its aim is to diminish the number of foreign nationals who come to work and live in Britain.[1] That is not what is happening. On the contrary, not only does legal immigration continue to rise; so does *illegal* immigration, in spite of the Government's promise to cut both back.

What is going wrong? One view is that the problem is not with the regulations. It is that they are not adequately enforced: the various powers available to Government to diminish immigration are not being used in an effective way, or even at all. The resources devoted by the Government to enforcement are just too small to enable officials to keep track of foreign nationals, to monitor who is permitted to be here and to deport those who are not.[2]

Enforcement is certainly weak. In 2015, the Home Office deported a total of 12,056 foreign nationals. That figure included 5,602 Foreign National Offenders (FNOs): people who had been convicted of a serious crime, served their sentence, and then, under UK legislation, should be returned to their home nation. A further 5,238 of those forcibly removed by the Home Office were people whose attempt to claim asylum had definitively failed. That leaves just 1,016 people who were deported by the Home Office

and the Border authorities because they were living and working in Britain without a valid visa. If there are a million people in that position in Britain, it means that, should you be a foreign national who is here illegally because you have over-stayed your visa, or violated its conditions, or even if you did not have one in the first place – there is just one chance in a thousand of being among the illegals who are deported. It is hardly surprising that those odds do not act as a deterrent.

The number of people deported by the Home Office has fallen consistently over the last decade. On the other hand, the number of 'illegal' foreign nationals leaving Britain voluntarily has gone up: in fact it has more than doubled. In 2006, there were 12,599 people in that category. But in 2015, there were 28,840 people who were not entitled to be here who left the UK without being forcibly deported.

The explanation for that trend might be that officials from the Home Office and Border Force are getting better at contacting those who are here illegally and persuading them to leave. Or it might be that there are more illegal immigrants, so that the proportion of them who return home voluntarily has stayed the same, although the number leaving goes up. Or it could be that the increase is the result of a change in the way that the data is collected by the Home Office: the Oxford Migration Observatory thinks that probably this is the correct explanation (see Migration Observatory briefing: 'Deportations, Removals and Voluntary Departures from the UK').[3] We agree with the Migration Observatory that the best way to explain the increase in voluntary returns is the way the data is collected. For example, the e-borders system has given officials the ability to identify foreign nationals who have returned home at some point after their visa has expired. That could not be done in the past. The current

Home Office statistics count these people as 'Voluntary Departures', thereby implying that their departure was the result of intervention from the Home Office – in spite of the fact that, in the vast majority of cases, immigration officials would have had no contact whatever with the departing individual.

Whatever the cause of the increase, the yearly number of voluntary departures is still a small proportion of the 150,000 people who, according to the Home Office estimates, are being added to the total number of illegal migrants in Britain every year. And it remains a small proportion even if you add to it the 12,000 or so who are forcibly removed. Every year, the result is still that well over an additional 100,000 foreign nationals are added to the total of those living and working illegally in Britain.

The situation is almost certainly going to get significantly worse. If the Conservatives win the election, and Theresa May keeps her promises, Brexit means the end of free movement into the UK for EU citizens. The principal effect of leaving the EU will therefore be to create a whole new class of illegal immigrants to the UK – migrants who are geographically far closer to the UK than those from developing countries.[4]

The Government could, and no doubt will, claim that by ending the entitlement of EU citizens to work in Britain without first being granted a visa, it will put an end to mass immigration from EU countries. But unless the termination of every EU's citizen's entitlement to work in the UK is also accompanied by much more effective controls on illegal immigration, that claim is likely soon to be revealed as false.

The imposition of new rules and controls on EU citizens might deter some highly-skilled people from EU countries coming to work in Britain: a few doctors, scientists, engineers, bankers, and so on, might be put off by the

additional bureaucracy. But the Government will try to minimise that effect on highly skilled people from the EU: it has emphasised that it does *not* wish to prevent them from working in Britain. Highly skilled, highly paid people from EU countries are generally *not* the migrants who generate the anger and resentment from the indigenous population, or whose presence in Britain may have led a majority to vote in favour of Brexit. Their numbers have been small, and their contribution to the economy obvious.

On the other hand, migration by low-skilled workers from Eastern European countries has been on a very substantial scale, and has generated resentment. It is migration from those countries that the Government wishes to limit. But it seems it will not be possible for the British Government to impose immigration rules that distinguish between citizens from different EU countries: the EU sees itself as a single group, and will insist that the rules have to be the same for all EU nations. Different rules for Eastern European nations will not be permitted.

So how will the new system of immigration controls on EU citizens work? The Government has yet to say. It is very unlikely that tourists from EU countries will need visas to come to Britain. Visas will be required only for those wishing to work, study or settle. That will certainly have some effect, but there is a serious risk that migration by low-skilled workers from Eastern Europe may not be very significantly reduced by ending *legal* migration from those countries.

The basis for that assessment is the fact that the primary motive for migration from East European countries to Britain is economic. The disparity in wealth between for example Eastern European members of the EU and Britain is not going to change much, if at all, in the next decade: there is no doubt that citizens of countries such as Bulgaria,

Romania and Poland will continue to have a very strong motive for moving to Britain to work, where they can earn very much more for their labour than they can in their own countries. Unlike the situation prior to the abolition of restrictions on people from Eastern European countries, there is now an established and known route to working in Britain. There are established communities here made up of people from both those countries.[5]

Even supposing stricter border controls and checks are successfully imposed at ports, stations, and airports in mainland Britain, people from Eastern Europe hoping to migrate here will be able enter the UK through Ireland. The Republic of Ireland and the UK form a 'common travel area': there are no restrictions on travel between Ireland and the UK. The last Labour Government seems to have realised the opportunity this created for illegal migration into the UK: it introduced the 'Borders, Citizenship and Immigration Bill' in 2009, which specified the imposition of controls on passengers entering the UK from the Republic of Ireland. But the Conservatives opposed it, the Lords voted against it, and the election of 2010 intervened, so the provisions relating to those controls were never implemented.

Neither Labour nor Conservatives have any plans to change this post-Brexit, not least because an open border between the two countries is an essential part of the Good Friday Agreement that brought peace to Northern Ireland. But while the arrangements for free travel between the UK and the Republic of Ireland remain, it is going to be impossible to control illegal immigration: while the back door (as it were) remains open, it does not matter how many locks are added to the front one.

There was inevitably some illegal migration from the Eastern and Central European 'accession' countries before

all of their citizens were given the automatic right to live and work in the UK. There will be more after that right is taken away.

Visa controls will force migrants from EU countries who are not granted a visa to operate in the black economy, and that ought to reduce numbers significantly from the very high levels of the last few years. Employers will commit offences by employing them: that should reduce their desire to do so. But the need for the labour – particularly on the fruit and vegetable farms in the east of England – will still be there. The employers insist that they cannot afford to pay the higher wages that seem to be needed to persuade British people to do the work. There will be a supply of Eastern Europeans willing to do it. It will be very tempting for employers to use them. Pressure from employers may persuade the Government to grant those workers from Eastern Europe visas.

Unless the rules are enforced rigorously, they will be broken – on how wide a scale it is difficult to predict. But to act as an effective deterrent, enforcement will have to be sufficiently rigorous to detect and punish people who operate illegally. That will require not only more resources, but much greater determination to ensure that immigration law is effectively enforced. There is not much evidence at present of either.

Increasing the effectiveness with which immigration controls are enforced

How can the rules and regulations that are supposed to control immigration into the UK be more effectively enforced? The first requirement for enforcing those regulations is the ability to target those who are here

illegally. Officials cannot do this easily at present. It makes enforcement particularly difficult. 'Illegals' do not present themselves to the Home Office. They usually work in the black economy or with false identities: they do not make their true identity known to the tax authorities. They usually do not try to use services provided by local councils, such as subsidised accommodation. Many illegal immigrants will only access health care in emergencies, and sometimes not even then. And as we have already stressed, the sheer scale of illegal immigration overwhelms the authorities and the relatively meagre resources they are given.

One way to make it easier for officials to identify illegal migrants would be to require everyone to have an identity card. It is an offence for an employer to hire a foreign citizen who does not have official permission to work here. But it can often be difficult for employers to identify whether an immigrant is entitled to work. An identity card would provide a solution to that problem. If it were made sufficiently difficult for illegal immigrants to acquire one, most would not be able to do so, which would make it very straightforward for officials to identify whether someone was 'illegal'.

Compulsory identity cards have, however, been ruled out as an option by the present Conservative administration. There seems no prospect that any political party with a chance of winning an election in the near future will introduce identity cards. David Cameron's administration did introduce 'Biometric Residence Permits' for foreign nationals. Those permits are in effect identity cards. But they can't be called identity cards, because that would break the Conservative Party's promise not to introduce identity cards in any form. This has meant that 'Biometric Residence Permits' have been introduced in a half-hearted

and incomplete fashion. They haven't been issued to all, or even most, foreign nationals. Awareness of the system, even within government, is patchy. The inevitable result is that the benefits of the system have not materialised.

What else would work to increase the effectiveness with which immigration law is enforced? One possibility – one we have already mentioned – is simply to increase the number of officials involved in enforcing immigration law: the number devoted to checking who is, and who is not, entitled to be here; and the number involved in detaining and then deporting those who are not. No practically feasible system can detain and deport every single illegal migrant. But a system that generates the fear in most illegal migrants that they *might* be detected and deported is going to be much more effective in deterring illegal activity than one which does not. Where there is little or no fear of immigration enforcement, illegally is more likely to flourish.

Hiring more people to police immigration law is of course very expensive. The present Conservative Government has given no indication whatever that it is prepared to devote the level of resources necessary to increase the manpower devoted to immigration enforcement significantly. In fact, the most recent budget for the Home Office required *reducing* the amount of money devoted to immigration enforcement by 25 per cent, which would involve cutting more than £100 million out of a budget of around £440 million. There was even a serious proposal to abolish a separate department of immigration enforcement altogether. There is presumably now a recognition that such a policy would not be sensible given the enormous demands on the enforcement of immigration law that will be inevitable once Britain leaves the EU. But it is an indication that there is very little appetite within the Government to increase the resources devoted

to enforcement. If the 25 per cent cut, or something in that region, goes ahead, there will be some hard choices to be made about which parts of the immigration enforcement regime to sacrifice. There would unquestionably have to be significant cuts to staff numbers and to the detention regime as a whole, which would mean it would be even less likely that illegal immigrants would be detected and deported than it is at present.[6] The number of people deported for being in Britain illegally has decreased over the last few years.[7] Enforced removals are at their lowest level since 2004. There can be little doubt that reduced budgets for the enforcement process have been a significant factor in that development.

The problem with draconian policies

The Government has no trouble in coming up with extremely tough-sounding policies to deal with illegal immigration. But it has great difficulty in enforcing them. Employers who hire illegal workers are now subject to civil penalties and even to criminal prosecution: they can face up to two years in prison. The penalties for hiring illegal workers have been increased substantially, and a large loophole in the law – whereby a firm liable to the penalty (more often multiple penalties) would close down and then re-open as a different registered company, thereby evading the outstanding debt – has been shut. The migrants working illegally can themselves be punished with a six month prison sentence, and can have their wages confiscated as 'proceeds of crime'.

The punishments sound pretty intimidating, and they would be if they were enforced effectively. But they aren't. The Independent Chief Inspector of Borders and Immigration found in 2015 that less than a third of the fines levied on companies hiring illegal workers were actually

collected, and it took an average of more than two years for that money to be paid. The Chief Inspector thought that Immigration, Compliance and Enforcement teams 'lacked the skills, experience and capacity to pursue criminal investigations and prosecutions' against firms hiring illegal migrants. There are few, if any, examples of illegal workers being prosecuted.

The Chief Inspector also noted some of the practical difficulties with imposing civil penalties. In one instance, for example, officers from Immigration Enforcement visited a restaurant suspected of employing illegal immigrants. The officers photographed an individual in that restaurant who was not entitled to work wearing a chef's hat and holding a wok. The man insisted to the officers he 'was not working, merely visiting'. Officers took no action against him. Asked why they had not issued a penalty, the officers responded that 'while the evidence highlighted suggests that the person may have been involved in work-based activity, the evidence does not demonstrate employment as defined in the 2006 Act'.

If that incident happened as reported and is representative of the experience of officials from Immigration Enforcement, it is hardly surprising that they do not manage to catch and penalise more than a very small percentage of foreigners who are working illegally in Britain.

The Chief Inspector identified a large increase in employers receiving more than five penalties for infringing the law on hiring illegal migrants in a single year. Commenting on the Chief Inspector's Report, the Home Affairs Select Committee noted dryly that this 'might suggest that the current penalty regime is not a sufficiently effective deterrent.'[8] The Migration Advisory Committee (MAC) came to a similar conclusion on the enforcement of law on the minimum

wage, which concerns illegal workers and employers because illegal workers are the group most likely to be paid less than the legal minimum by their employer. The MAC calculated that 'an employer [who pays illegal migrants less than the minimum wage] can expect an inspection visit once in 260 years and a prosecution once in a million years'.[9]

Bogus colleges as a source of illegal immigration

We noted earlier that most non-EU migrants to Britain who stay over a year arrive as students, having obtained a visa which allows the entrant to remain in this country for up to three years while they complete their course. We also noted that there is evidence that many students from non-EU countries do not leave when their visa expires, and that the practice is one of the largest sources of the growth of illegal migration to the UK.

The Home Office has been aware of this for some time. It has also been aware that many of the colleges that claimed to be educational institutions were in fact nothing of the kind: they were sham institutions that provided a way for non-EU nationals to obtain a visa for study in the UK, when actually the recipient of the visa intends to work rather than study. Some established universities were guilty of allowing their courses to be used as vehicles for students to work rather than study in Britain. For instance, London Metropolitan University was suspended from teaching or recruiting foreign students on July 16, 2012, after a sample of those students taken by the UK Border Agency indicated that a quarter were in the country illegally, 40 per cent could provide no proper evidence of reaching mandatory levels of English, and 57 per cent were failing to turn up to lectures and seminars.[10] In 2014, Glyndwr University had

3,000 foreign students (about one third of its total student body), many of whom could not write English: the language tests they had taken to 'prove' their English was up to the required standard turned out to be fraudulent.[11]

At the beginning of this decade, the Home Office had considerable success in closing down bogus colleges: the threat of inspection was enough to make many cease to exist, and the number of institutions accredited as places of education dropped from 6,000 to 2,200. In the year between March 2011 and March 2012, the figure for net migration to the UK fell by 60,000. The Home Secretary was quick to claim that the fall was the result of the steps she had taken to restrict immigration, one of which was close down bogus colleges.[12]

That claim looked less plausible when net migration immediately started to climb back up again, rising for the next three years in succession. This is not to say that closing down bogus colleges was not a good and important step to take. It is only to maintain that it was not responsible for a fall in net migration, as measured by the Office of National Statistics.

It may not even have led to *illegal* migration falling significantly either. It must be true that fewer migrants from non-EU countries entered the UK on a fraudulent basis (claiming they would be studying, when in reality they would not be, because the college they were registered with was a fake educational institution). But there is no evidence that fewer of those who were issued with a visa to study, and who genuinely intended to do so, ended up staying on illegally beyond the expiration date of their student visa.

In 2015, Theresa May herself stated that of 121,000 foreign entering the UK each year to study, only 51,000 went home at the end of their course. No-one can be certain, but it is

a good bet that the number of students doing this did not fall significantly after the bogus colleges closed, and may have increased as the alternative of enrolling at a phoney college became less available[13]. Foreign students to the UK very often want to work in the UK after they have finished their course. Various amendments to immigration law have failed to curb that trend. Weak enforcement is part of the explanation: ex-students know that if they can get a job here, the chance of being detected and deported by immigration authorities so small it can be safely ignored.

5

Radical policy alternatives

Paul Collier has suggested that an effective way to reduce the number of illegal migrants would be to require all of them to register as 'guest workers' – an intermediate status where they would be allowed to work and so pay taxes, but would not be entitled to receive social benefits. They would only be eligible for the full range of social benefits once they had been upgraded to full citizens, a process which would require demonstrating compliance with the law, and (it would seem) integration into British society and acceptance of British values.

To encourage illegal migrants to register, Prof Collier recommends that those who do not do so 'would be subject to deportation without appeal if detected'. To keep numbers down, Prof Collier proposes that the total number of people allowed to migrate to Britain in the normal legal manner would be diminished by the number of illegals who 'regularised' themselves.[1]

The first thing to be said about Prof Collier's proposal for deportation without appeal is that it is utterly impractical. The right to be able to appeal against a judicial decision is a fundamental part of British legal process. It is not only a fundamental right under the European Convention; it is a fundamental part of the Common Law, where the notion of a 'fair hearing' has come to be interpreted as including a

right of appeal against the findings of any judicial decision up to the Supreme Court.

This means that the British Government cannot start deporting people without some form of legal hearing unless it is prepared to abandon the rule of law in its handling of immigrants. No-one has suggested going down that path: no-one except the most extreme anti-immigration fanatics wants to see immigrants, legal or otherwise, denied the protection of the law. Any right to a court ruling before an individual can be deported must come with the right to appeal the decision.

The Home Office has come up with a practical alternative to deportation without appeal: the requirement that any appeal against deportation must be made from the deportee's home country, once he or she has been returned there. It was challenged, but the challenged failed: the courts ruled that 'deport first, appeal later' is legal, and it is now an accepted part of UK law that those have been deported should make their appeal from their own countries, rather than being allowed to stay in the UK while their appeal is prepared. But so far, it has only been applied to foreign national offenders. The Conservative Party Manifesto for 2015 promised to extend 'deport first, appeal later' to every foreign national who appeals against deportation, with the exception of those seeking asylum. But that promise has not been kept.

The new provision on appeals has increased the number of foreign national offenders who are successfully deported. But while it has streamlined the legal process, it has not diminished the delays and cost inherent in it to zero, or anything like it. The costs involved in any legal hearing on deportation matters are still substantial – which ensures that, compared to the number of foreigners who are estimated to

be living and working in the UK illegally, the proportion of illegals deported is still tiny and likely to remain so (we estimated it above at around one in a thousand). That proportion is not going to increase significantly without a colossal increase in the resources devoted to it. No minister has said anything to indicate that they would be willing to provide the resources needed. UKIP promised if elected to increase the number of Immigration Enforcement staff by ten per cent in its 2015 manifesto, but without saying how it would pay for the increase of 2,500 officials. It is not obvious that even a ten per cent increase would significantly increase the number of illegal migrants detected and deported, and thereby generate a significant drop in the number of migrants entering or staying on in the UK illegally.

Prof Collier's proposal for deportation without appeal, impractical as it is, nonetheless usefully raises the important matter of how to achieve an efficient and effective deportation system – which is essential if the enforcement of immigration law is going to sufficiently frequent to have a serious chance of diminishing illegal immigration. No-one would maintain that the present system for deporting migrants who have been determined to have no right to be here is either efficient or effective: deportation is not applied reliably or frequently enough.

We have already noted that most illegal migrants to Britain do not enter this country illegally: they just do not leave when their visa expires. We have also noted that Britain's mechanisms for identifying illegal immigrants are not particularly effective. But even if they were to become much more effective than they are at present, and the information from the 'e-borders' system – which could identify when each migrant's visa had expired and whether or not they had left these shores by that date – were to be fully utilised for

that purpose, there would still be a question about what to do next. In order to be able deport the illegal immigrants that the 'e-borders' system has identified, immigration officials would have to be able to find them. That is far from easy: illegal migrants, for obvious reasons, try to ensure that they keep their contact with the British state to a minimum. That makes them extremely difficult to track down. Once they have been located, the process of getting legal endorsement for deportation can begin. But that process is not rapid. It is time consuming and it is expensive.

The Chief Inspector of Borders and Immigration has reported that it is also very inefficient. *An Inspection of Overstayers: How the Home Office handles the cases of individuals with no right to stay in the UK* looked at the period May to June 2014.[2] The Home Office delayed the publication of this report for several months (it did not appear until just before the Christmas recess in December 2014). When you look at what it says, it is not difficult to understand why. It was an examination of how effective the Home Office was at removing migrants to the UK who had asked to be allowed to stay here for longer than their visa permitted, but who had then been specifically refused permission to do so. This is not a group of hardcore illegal migrants, as their decision to ask for permission to remain here demonstrates. It is probably not a group which makes up the majority of people who have no right to be in the UK under immigration rules and regulations. The people in it have already identified themselves to the Home Office, so – unlike most illegal migrants – should be easy to contact.

The report noted that the Home Office had contracted out the job of contacting those immigrants who had applied for a visa extension, and to whom it had been refused, to a company named Capita. Capita also had responsibility

for persuading these people to leave the UK. The Chief Inspector found that 'many of the expected financial and strategic benefits [of using Capita] have not materialised, with far fewer migrants having been persuaded to depart than anticipated. Of the 120,000 people whose cases were sent to Capita for contact to be made, less than 1% had left as a result of Capita's intervention.' The Chief Inspector added that he was 'disappointed to find a high level of inaccuracy in the classification of the records of those migrants who have been refused permission to say on in the UK, with more than a quarter of departures in my sample being incorrectly recorded.' He also 'found inefficiencies in every part of Removals Core Casework.'

It can be very difficult to deport even illegal immigrants convicted of serious crimes such as murder and rape. The European Convention on Human Rights – Britain's commitment to it will be unaffected by Brexit – forbids the deportation of anyone, even a convicted murderer, if it will interfere with his right to 'family life': that is, prevent him (and most serious criminals are male) from being with his wife and children. The Convention also forbids deportation if it *might* expose the criminal to degrading and inhumane treatment in his native country.

There can also be bureaucratic obstacles to deportation. One of the most common problems is that the person who should be deported does not have a passport: it is standard practice for illegal immigrants to destroy their passports on or before arrival in Britain. The illegal immigrant's country of origin then refuses to issue him with a new one. No other country is willing to do so either. The effect is to make it impossible to deport the passportless individual.

In the case of foreigners who have committed serious criminal offences, Home Office policy is meant to be to

release them from prison only when they can be deported. Ministers insist that this is the only policy that protects the British public from the risk that the criminal will commit further crimes, and from the possibility that the criminal will 'abscond': end all contact with officials, and live in Britain illegally, invisible to the authorities.

The difficulty with the Home Office policy has turned out to be that such criminals often *cannot* be deported, because there is no country they can be deported *to*. At the same time, legally they cannot be held in prison beyond the term imposed by the judge who heard the case against them. The impasse is usually ended when the criminal's lawyers take his case to judicial review, and a judge inevitably orders the criminal's release. He also orders the Home Office to pay compensation to the criminal for the period that he was detained illegally.

The Home Office blames the judiciary for the release of the criminal, insisting they did everything to prevent it. But while the Home Office may win the rhetorical battle, it loses the war. In January 2015, the Public Accounts Committee (PAC) reported that in the previous two years, 229 Foreign National Offenders had received a total of £6.2 million in compensation (which works out at an average of £27,000 each). That figure does not include legal costs. The PAC estimated the total cost, each year, of managing and removing Foreign National Offenders to be around £850 million.[3]

The Home Office's actions on this matter are a striking illustration of how being 'tough' on immigrants who have broken the law leads to a self-defeating policy. It would be cheaper – it would avoid spending the millions now devoted to compensating foreign criminals – if the Home Office were to admit in public that there are many cases where foreign criminals cannot be deported once they have completed

their sentences. Not wanting to face the criticism that would result from that admission, the Home Office detains foreign criminals under the pretence that it will eventually be able to deport them, when in fact it cannot do so, and ministers know it. The result is the worst of both worlds: the foreign criminals are eventually released to live in Britain anyway, but at great cost to the taxpayer. And serious criminals get handed money by the state – as do their lawyers.

Alternative solutions?

No-one has ever stated what a successful immigration policy should look like. Rather than aim to reduce immigration to the clearly impossible level of 'tens of thousands', which the Conservatives promise to do, it would be more useful to focus on the target of removing more illegal migrants from Britain than enter, or illegally stay on in, this country each year.

We have shown that current policies and strategies for dealing with immigration fail to reach that target – or get anywhere near it. The litany of difficulties we have identified with the enforcement of immigration law, together with the evident reluctance of any British government to confront them, may lead to the conclusion that the enforcement of immigration law is, in its present form, doomed to failure.

In one sense, it is: there is no chance of deporting the one million people who are here illegally, and there is no possibility of reducing illegal immigration to close to zero. No ethically acceptable, or currently practically feasible, policy could have that effect. It may also be impossible to reach the target of deporting a number of illegal immigrants each year equal to the number of additional 'illegals', and so stop the problem from getting worse.

It must be true that, given the Government's other commitments – and in particular, its commitment to keep spending more on the NHS and on pensions, whilst simultaneously reducing the deficit – immigration enforcement is not going to reach the point where it starts to diminish illegal immigration significantly: there will simply never be enough immigration officers, and they will never have the information and the powers they need, or the detention space required to detain those arrested, for their activities to act as a disincentive serious enough to diminish the rate of illegal immigration, or to persuade the illegals who are already here to go home4.

A brief calculation of the costs of removing all of those who have applied for, but been refused, permission to stay beyond the date of their visa expiry – which is only a small proportion of the total number of illegal immigrants – will demonstrate that the resources needed to ensure the removal of even just this group will almost certainly never be available. According to the Chief Inspector of Borders and Immigration, 1500 additional names on average are added to that group every week. It costs on average around £18,000 to have someone forcibly removed from the UK – which means it would cost £27 million a week (1,500 x 18,000) to remove all of the additional people who have no right to be here, or £1.4 billion a year. The whole Home Office budget, including paying for the police, runs to £9 billion every year. And remember: spending £1.4billion would not remove *all* of those with no right to be here, but only that group who have asked the Home Office if they can stay on, and been informed that they cannot.

It is possible that ministers have already reached the conclusion that the Home Office cannot solve the problem of immigration by enforcing immigration law, using officials

to identify illegal immigrants and then to ensure they are deported.[5] It would explain why the policy now adopted is less to deport illegal immigrants, but rather to create a 'hostile environment' for them: by making it extremely difficult (the policy would aim to make it impossible) for illegals to obtain non-emergency medical treatment, social security benefits, work, education, a bank account, a driving licence, a place to live, or a phone contract, the hope is that many, perhaps most, will be persuaded that life in the UK is sufficiently unpleasant and precarious to return home, or at least to move to another country. If it were comprehensively implemented and enforced, the policy ought to act as a significant deterrent to those thinking of entering the UK illegally, either by evading border checks, or by overstaying their entitlement to be here.

One of the difficulties that the policy has encountered is that creating the hostile environment for illegal migrants requires the co-operation of workers in the public sector and the commitment of all government departments: the health sector, for example, needs not only to refuse to treat illegal migrants, but also to alert the authorities to their presence, and to pass on their contact details. Many public sector workers, particularly doctors and teachers, are not willing to co-operate in that way. They do not see themselves as – and they do not want others to see them as – immigration officers and enforcers. Most doctors and nurses see their role as treating the patient before them, and teachers as educating the children in their class. There is enormous resistance to broadening that role to help diminish immigration, despite the severe pressures that immigration has placed on budgets for health and education. But without doctors, teachers and other public service professionals who are willing to withdraw services from and help the state locate illegal

immigrants, it is hard to see how a 'hostile environment' can be created for them.

There are also the inevitable unintended consequences of identifying illegal workers. The principal unintended consequence is that illegals are often identified through their tax records. The first contact with the authorities results in the end of that employment. The illegal worker does not usually depart from Britain. They move into the black economy. The Exchequer loses the tax they would have paid. But illegal immigration does not diminish.

There is the further problem that, even supposing that a hostile environment could be created, it may not be as unpleasant as the environment that many illegals have come to the UK to escape from. As Prof Collier has emphasised,[6] life in many developing countries (and perhaps in some Eastern European ones[7]) is so bad, and the opportunities for individuals to improve their family's standard of living are so restricted, that any job in the UK, even one paying significantly less than the minimum wage, and without any access at all to state services, is still substantially better than the sort of life that migrants are trying to escape from. It still counts as enough of an improvement for it to be worth moving to the UK. The creation of the sort of 'hostile environment' which is feasible in the UK may help to reduce the number of illegal immigrants. But not by much.[8]

We are emphatically not saying that because no government will be able to reduce illegal immigration to zero, politicians should just give up on any attempt to diminish it significantly. That would be to claim that 'half a loaf is the same as none' – and that is a mistake. Half a loaf is *not* the same as none: it is a great deal better than none. *Some* reduction in immigration, both legal and illegal, which is what present policies achieve, is certainly better than

none. But the sorts of policies and enforcement of them that we have at present cannot achieve reductions on anything like the scale that has been promised by ministers, or that much of the voting public says it want to see achieved. More honesty from all politicians, but especially ministers, would at least end the situation where the public is systematically misinformed about the prospects of controlling immigration.

If you pose the question, How many illegal immigrants is the Government willing to accept?, the answer you would get from any Government minister or spokesperson is: zero. But that answer is false, and ministers and their spokesmen and women know it. The true answer is: whatever number arrive and stay when the rules are as inadequately and inefficiently enforced as they are at present. Ministers and others have done their best to cover up this truth, and they have been successful. Illegal immigration is not counted in the official statistics, so it is perfectly possible that, post Brexit, the Government will claim that it has reduced immigration significantly, perhaps even to less than 200,000,[9] while in fact presiding over a much larger annual total. Ministers will be aware of this. But they will not be able to admit it in public.

Conclusion

Political will and immigration policy

We have highlighted the need for greater resources if immigration law is not to be 'more honoured in the breach than the observance'. But perhaps as important as resources is the political will to enforce immigration law effectively. This has been in short supply in recent years: the rigorous enforcement of immigration law inevitably gives rise to allegations that the enforcement is heartless, brutal, and inhumane – allegations which no government likes to have made against it, and which are often sufficient to make a government abandon the policy. It is also a topic of fierce disagreement within government: different ministers and their departments take very different views on how rigorously immigration law should be enforced.

An example of the reluctance to enforce immigration law is the fate of the poster campaign which Theresa May, as Home Secretary, instigated in October 2013. Posters encouraging illegal migrants to go home, and threatening them with deportation if they did not, were plastered across vans which were then driven through areas thought to have high concentrations of illegal migrants. The campaign did not involve actually deporting anyone: it merely involved reminding people who were here illegally that they should leave voluntarily before they were deported forcibly – a threat

which was probably not particularly credible to those who were here illegally, since they know better than anyone that only a very tiny percentage of illegal migrants are deported.

The campaign lasted less than a month before the Home Secretary, responding to some very hostile criticism in the media, told Parliament that the vans and their posters were 'too blunt an instrument.' She insisted she had seen 'the interim evaluation of the vans', and that 'although some results were achieved', she had come to the conclusion that 'the vans were not such a good idea'.[1] Mrs May did not explain exactly how or why she had come to that conclusion; and it inevitably created the impression that the unexpectedly sudden withdrawal of the policy was simply the result of the adverse criticism the pilot had received.

The point here is not whether the vans and their messages were or were not effective as a means of increasing the number of illegal immigrants who decided to quit Britain: the vans were not in operation for long enough for anyone to be able to come to a secure conclusion on that issue. It is not even whether it was ethical to attempt to communicate with illegal immigrants by using the sort of language the Home Office plastered on those vans. The point is rather that the speed with which Theresa May withdrew the vans is an indication of the lack of political will to take policy decisions relating to the enforcement of immigration policy that generate heavy criticism.

It is hard to see how the enforcement of immigration policy can be made significantly more effective in such a situation – for there can be no doubt that any enforcement of immigration policy that is more effective will generate intense criticism. It is just not possible to enforce immigration policy effectively *without* some people thinking that the results are unfair, brutal and inhumane – because in some cases, that is

inevitably what the enforcement of immigration will indeed be: not because anyone wants it to be that way, but because with any policy involving the infliction of hardship (and deportation often inflicts great hardship), there will be cases where officials make mistakes with unjust results. These will be reported and commented on in the media, with the aim of generating public sympathy for the immigrant who has been unjustly treated. As with many other topics, the public is not consistent in its views on immigration. There is a large majority in favour of reducing immigration, of enforcing immigration law, and deporting immigrants who have flouted it. But there is also often an equally large majority *against* the application of immigration law in any individual case. Ministers are very sensitive to the negative publicity. It makes it hard for them to ensure that immigration law is applied rigorously, when that leads to intense criticism from the media and (their advisers will tell them) from the public.

Hard – but not impossible. When Michael Howard took over as Home Secretary in 1993, the consensus was that crime could not be reduced by any government policy: the role of policy was essentially to manage public expectations about crime rather than to reduce it. Michael Howard rejected that consensus, and insisted that by imprisoning more convicted criminals for longer, he could reduce crime. He instituted a much harsher penal policy, which led to a doubling of the prison population. That policy has been maintained by successive Home Secretaries ever since: the prison population has stayed at around 90,000, more than double the 43,000 that were incarcerated in 1993. Crime fell dramatically over the next two decades – by some estimates, it fell to less than half the level that it had been in 1993. It is a matter of controversy how much of that fall can be attributed to Michael Howard's determination to make greater use

of prison, but at least some of it must have been the result of that policy, for the simple reason that people who are incapacitated by prison cannot commit offences against the public while locked up.

Is there a parallel with immigration policy? Is reducing immigration only a matter of finding the political will to do it? Political will is certainly important, although it is difficult to think of a single policy on immigration which could have the same effect on reducing immigration as greater use of prison has had on diminishing crime. Whether or not they would successfully reduce the level of immigration, the political will to enforce harsh immigration policies is at present lacking.

Means and ends

If you will the end, you must will the means is a very familiar adage. It does not mean that a goal justifies any means that could be used to achieve it. It means that if you intend to achieve a goal, you need to make sure that it is achievable by methods that you find acceptable. If you cannot will the only means by which it is practically possible to achieve your goal, that should lead to a reassessment of whether the goal is the right one.

The general reluctance to endorse and enforce harsh immigration policies – and the reluctance is not confined just to politicians – may be the consequence of an awareness that a significant reduction in both legal and illegal immigration would require methods which most of us would not be prepared to endorse. Many people want immigration, legal and illegal, to be reduced, but recoil at the cost and the harshness of the policies that would actually have that effect. The reluctance to consider identity cards as a policy is an example of this. Identity cards would, as we have mentioned,

make it considerably easier to identify illegal immigrants, and speed up the whole process of locating them and then taking action to ensure their departure. But the objections that many people have to identity cards, and to the idea that Britain should become a society where it was mandatory to carry one, mean that we collectively prefer a situation in which illegal immigration flourishes, and we do not have identity cards, to one where it is more effectively controlled and we do.

Versions of that conflict between the sorts of policies we could implement to control immigration, and the other political and ethical values that we have, come up frequently. The conflict is not always settled as easily as it appears to have been in the case of identity cards. Do we want to be a nation that controls immigration effectively – when the cost is imposing policies that are perceived to be (and sometimes are) brutal, cruel and inhumane? Is our collective desire to reduce immigration sufficiently strong that we are willing to sacrifice other fundamental values to it? Collectively, we seem not to know how we want to answer those questions. The vote in favour of Brexit has certainly not settled them, nor even given much of a clue as to what, as a nation, we think their answers are. Perhaps that is why there has been no reassessment, by ministers or anyone else, of the reduction in immigration that it is realistic to aim to achieve.

As we noted at the beginning of the pamphlet, the belief that leaving the EU would ensure that the British people would have control over immigration policy in Britain was one of the main reasons that people voted to leave the EU. No-one who voted to leave the EU did so in the expectation that the result would be that immigration to the UK *increased*.

But if 'control over immigration' means controlling exactly how many people from foreign countries will work and live in the UK, and thereby reducing the number of

immigrants who arrive here very substantially, exit from the EU is not going to have that effect. It will indeed ensure that policy decisions about which citizens of EU nations are allowed to live and work in the UK are made by Members of Parliament and not by EU officials. But it will not mean that those decisions dramatically reduce the number of people from foreign countries who come to live and work here.

The chasm between the results that immigration policies are *intended* to have, and the results that, in practice, they actually do have, is large and glaring. But it has not featured in the debate on immigration. As a consequence, that debate is taking place in the context of what seems to be deliberate suppression of some fundamental facts. It is quite obvious that there is a great deal of illegal immigration into Britain; that our exit from the EU will create a whole new class of illegal immigrants; and that there is no prospect that whoever wins the next election will devote the level of resources necessary if there is to be any real chance of diminishing illegal immigration significantly, or even just maintaining it at current level. But the debate on immigration proceeds without taking account of them.

If we are to arrive at a rational immigration policy, it must be based on recognition of what it is feasible – and what it is *not* feasible – to do to limit immigration. The present pretence by ministers that immigration can be significantly diminished by following variations on the policies that have been adopted in recent years generates expectations which cannot possibly be satisfied (quite apart from the incessant departures from the truth that the pretence requires). When, post Brexit, voters realise that they have been deceived, and immigration continues to proceed in more or less the same manner that it has done for the past decade, the popular reaction is likely to be extremely unpleasant.

Notes

Introduction: The significance of the Brexit vote

1 The result, on a turn-out of over 70 per cent, was 52 per cent in favour of exiting the EU, versus 48 per cent who voted to stay.

2 See, for example, Lord Ashcroft's polling, most of which was conducted within 72 hours of the result. It can be found at http://lordashcroftpolls.com/2016/06/how-the-united-kingdom-voted-and-why/.

3 Since about 2008, immigration has consistently been one of the three issues voters are most concerned about. It overtook the economy and the NHS to be their primary concern in 2015. A survey taken in 2012 found that around 75 per cent of the electorate think that immigration should be reduced. The Oxford Migration Observatory has helpfully collected much of the evidence from polls. See http://www.migrationobservatory.ox.ac.uk/resources/briefings/uk-public-opinion-toward-immigration-overall-attitudes-and-level-of-concern/#kp2

4 The definition of an immigrant for the purposes of net migration statistics, according to the Office of National Statistics and to the British Government.

5 Reducing the level of immigration may be a high priority for even for a significant portion of those who voted to stay in the European Union: as noted in the previous footnote, the most recent British Social Attitudes survey (it was taken in 2012) recorded that 75 per cent of voters wanted immigration reduced. But opinion surveys on this topic need to be treated with caution: whether or not people say they want less immigration depends heavily on the way that proposition is expressed. For instance, according to one measure, the percentage of the UK public who agree with the statement 'there are too many immigrants' has declined from over 80 per cent in 1964 to just over 50 per cent in 2014. In 1964, slightly fewer people migrated to the

UK than left it. This could be interpreted as showing that, over time, the effect of high levels of immigration on the native population is to diminish their hostility to it. It is a notable fact about the Brexit vote that the areas with the highest concentration of immigrants, such as London and the South East, also had the fewest number of pro-Brexit voters.

6 Comments at an industrial site in Harrow to prospective Conservative candidates, reported in The Guardian, May 9, 2017

7 Net migration to the UK for the year 2016 is currently estimated to be 273,000, which would make the figure 17,000 higher than when Theresa May became Home Secretary.

8 Which is one reason why Britain's negotiations with the EU on the terms of its exit are going to be so difficult. Those terms require unanimous agreement from all EU members. Britain wants access to the EU's market without free movement. But a proportion, possibly a majority, of EU countries believe that accepting the principle of 'free movement' is essential for any country that wants to have unrestricted access to the EU's market.

1: Recent attempts to diminish immigration

1 The numbers come from the Office of National Statistics(ONS). The ONS statistics are most easily accessed on the Migration Watch website at https://www.migrationwatchuk.org/statistics-net-migration-statistics/#create-graph. Immigration and asylum: changes made by the Coalition Government 2010-2015, a Parliamentary Research Briefing by Melanie Gower and Oliver Hawkins, available at http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN05829#fullreport , gives a slightly different set of figures, but the tendency is the same, and the conclusion that the figures suggest – that Government policy was not successful in reducing immigration – is the same.

2 Jack Straw accepted that the policy had caused the increase in immigration from the 'A8' countries, and admitted it was a mistake. See 'Jack Straw has admitted that opening Britain's borders to Eastern European migrants was a 'spectacular mistake'. Daily Telegraph, 13 November 2013, http://www.telegraph.co.uk/news/uknews/immigration/10445585/Labour-made-a-spectacular-mistake-on-immigration-admits-Jack-Straw.html

3 It is perhaps unfair to describe this as 'Government policy', since it was a policy required by continued EU membership, rather than one

decided on by the Prime Minister or the Cabinet, although in theory, the Prime Minister could have refused to extend 'free movement' to Bulgarian and Romanian citizens, and waited to see what the European Commission did about it. The point here, however, is simply that policy can bring about increases in immigration: who exactly comes up with the policy is – for the purposes of this particular argument – irrelevant.

4   Migration from Bulgaria and Romania to the UK increased from 11,000 in 2012 to 58,000 in 2015.

5   The British Social Attitudes Survey, 2013, reports that the UK public thinks that the costs of migration to the UK by EU and non-EU workers outweigh the benefits to the UK to exactly the same degree; as for those whose reason for migrating to the UK is 'spousal reunification' – the costs of that are thought to outweigh the benefits to the UK to a significantly higher extent when the spouses 'reunifying' are from outside the EU. See http://www.migrationobservatory.ox.ac.uk/resources/briefings/uk-public-opinion-toward-immigration-overall-attitudes-and-level-of-concern/#kp2

6   Robert Rowthorn, *The Costs and Benefits of Large-scale Immigration: Exploring the economic and demographic consequences for the UK*, Civitas, 2015

7   £1bn was paid out in Tax Credits in 1999. By 2015, that figure had risen to £30bn. Tax Credits paid to immigrant workers on very low wages are likely to have been a significant factor in that 30-fold increase.

8   The number of foreign nationals arriving in the UK work and live here in any given year will actually be substantially higher than 100,000, since 100,000 represents the net figure – i.e. the figure arriving minus those leaving the UK to return to their own countries.

9   See Oxford Migration Observatory analysis of ONS statistics by Scott Blinder 'Immigration by Category', March 9, 2017, available at http://www.migrationobservatory.ox.ac.uk/resources/briefings/immigration-by-category-workers-students-family-members-asylum-applicants/

10 For evidence from the US that the rate of immigration rises and falls with the economy, see Demetrios Papademetriou and Aaron Terrazas, 'Immigrants in the United States and the Current Economic Crisis', Migration Policy Institute Journal, April, 2009, accessible at http://www.migrationpolicy.org/article/immigrants-united-states-and-current-economic-crisis `For a view of the UK context, which emphasises that the relationship is less straightforward, because economics is only one part of the decision to migrate, see Will Somerville and Madeleine Sumption, 'Immigration into the UK: the

Recession and Beyond', available at http://www.migrationpolicy.org/research/immigration-united-kingdom-recession-and-beyond

11 The UK standard of living would have to be very dramatically cut to be lower than that which obtains in Bulgaria and Romania, and lower still to deter migrants from African countries or China. Professor Paul Collier, in his important book Exodus, produces an economic model which predicts that, in the absence of controls to reduce it, immigration from very poor countries will continue until either everyone from them who can move to a rich country has done so, or the standard of living in rich countries falls to a level approximately equal to that obtaining in very poor ones.

12 President Trump says he will build a wall along the US border with Mexico and police it vigorously. What methods he will be allowed to order US Immigration Officers to use will be restricted by the US courts. At present, US law allows Border Guards to shoot at an immigrant if they honestly believe that the migrant is threatening their life – for example because the migrant is throwing rocks at the Border Guard. But US law does not yet allow Border Guards to shoot someone simply because they believe him or her to be a migrant crossing the US border illegally. The vast majority of the 240 immigrants who died in the year to September 2015 trying to get into the US from Mexico were killed by hyperthermia, heat stroke or dehydration. None died because they were shot by US Border Guards. Of course, if President Trump has his way, that situation may change. In any event, no serious politician in Britain is suggesting that Border Guards in the UK should adopt a 'shoot on sight' policy for people they believe to be illegal migrants – or anything like it.

13 There has been a debate over whether 'illegal' or 'irregular' is the best way to describe those migrants who do not have legal permission to be in Britain. We'll use the term 'illegal' because it is clearer in its meaning than 'irregular.' A migrant whose presence in this country does not comply with immigration law is here illegally, just as someone who acquires a sum of money in violation some part of the UK tax code acquires that money illegally. To use the term 'irregular' in either case obscures that truth in an unhelpful way.

14 'Most people', stated Bernard Jenkin, MP, the Chair of the Commons Public Administration Committee, when the Committee released its report on immigration statistics on July 28, 2013, 'would be utterly astonished to learn there is no attempt to count people as they enter or leave the UK.' See http://www.parliament.uk/business/committees/committees-a-z/commons-select/public-administration-select-committee/news/migration-statistics-report-published/

2: Official estimates of migration levels

1 To be absolutely precise: ONS estimates cannot include any estimate for those entering the UK clandestinely, by evading UK border checks and controls. Some of those who are illegal because they have overstayed their visas might be caught by the sampling technique – but most who are illegal are very unlikely to admit it to an official taking a survey for a Government department.

2 The passenger information on people coming in to the UK is important for identifying travellers to this country who are thought to be dangerous (because they are criminals, or terrorists, or have been determined to be undesirable in some other way), so they can either be stopped before they travel or can be intercepted on arrival.

3 The fact sheet was issued on 29 March 2015. It can be accessed at: https://www.gov.uk/government/publications/exit-checks-on-passengers-leaving-the-uk/exit-checks-fact-sheet

4 Visiting the UK without a visa is possible for example for citizens of Japan, the US, Brazil, Mexico, Argentina, Malaysia, Botswana, Namibia – and many other countries.

5 The passports of EU citizens entering the UK are, however, swiped, which means that there is a record from which the total number arriving every year can be calculated, and presumably is. The figure, however, has not been released.

6 The Commons Public Administration Committee report into immigration statistics, 28 July 2013, states that 'Migration statistics produced by the Office for National Statistics and the Home Office are blunt instruments for measuring, managing, and understanding migration to and from the UK. They are not accurate enough to measure the effect of migration on population, particularly in local areas, and they are not detailed enough to measure the social and economic impacts of migration, or the effects of immigration policy. Current sources of migration statistics were established at a time when levels of migration were much lower than they are today. These sources are not adequate for understanding the scale and complexity of modern migration flows, despite attempts to improve their accuracy and usefulness in recent years.'

7 The ONS says that the margin of error for 2015 long-term immigration estimates was +/- 33,000 migrants, or +/- 5.2 per cent. ONS officials say that they can be 95 per cent confident that immigration for 2015 was between 598,000 and 664,000. A potential failure to count more than 66,000 migrants a year is not a small error.

3: Illegal migration

1   A survey in 2013 by Transatlantic Trends showed that 80 per cent of UK voters were worried about illegal immigration, compared with 41 per cent who were worried about legal immigration. See http://www.migrationobservatory.ox.ac.uk/resources/briefings/uk-public-opinion-toward-immigration-overall-attitudes-and-level-of-concern/#kp2

2   The report can be found at: http://icinspector.independent.gov.uk/wp-content/uploads/2016/07/ICIBI-report-on-Lorry-Drops-210716.pdf

3   Three to one is the ratio that has been used to estimate the minimum ratio of migrants who successfully cross the US border with Mexico illegally to those the authorities catch cross doing it. See *Impacts of Border Enforcement on Unauthorized Mexican Migration to the United States* Wayne A. Cornelius, Sep 26, 2006, available at http://borderbattles.ssrc.org/Cornelius/index.html. Cornelius claims that his research shows that 'even if migrants are caught, they keep trying until they succeed. Our interviews with returned migrants in three different Mexican states revealed that between 92-97% of them eventually succeeded' (in crossing the border to the US without being detected).

4   That figure represents just over 16 per cent of the annual legal total estimated at 370,000 in 2015, and 330,000 in 2016.

5   http://www.migrationwatchuk.org/briefingPaper/document/160 That paper claims that the propensity to illegal migration differs markedly between nations: when a similar exercise was done for Philippine remittances and the number of Philippine migrants to the UK, the increase in remittances closely tracked the increase in the number of legal migrants from the Philippines.

6   These statistics and others can be accessed at https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2016/returns#key-facts

7   LSE, April 2009. It can be accessed at http://www.lse.ac.uk/geographyAndEnvironment/research/london/pdf/irregular%20migrants%20full%20report.pdf

8   Approximately 120,000 members of that group were given an amnesty, so became legal. That does not change the fact that they originally stayed on in Britain after their claim for asylum had been rejected.

9   'Sizing the unauthorised (illegal) migrant population in the United Kingdom in 2001', by Jo Woodbridge. It can be accessed at http://css. escwa.org.lb/SD/1017/MIGRANTpop_in_UK.pdf. The authors of the GLA/LSE paper updated Woodbridge's estimate to give an estimate for the total number of illegal immigrants in the UK of between 417,00 and 863,000 at the end of 2007.

10 https://www.migrationwatchuk.org/briefing-paper/190

11 This is advocated by the authors of the GLA/LSE paper, and was occasionally suggested by Boris Johnson when he was Mayor of London (but how serious he was about it was, as so often with Johnson, very unclear).

12 But not all: there will inevitably be a very small percentage who prefer to continue to work illegally or not to work at all, just as there is within the existing British population.

13 On October 24, 2003, David Blunkett, then Home Secretary, announced that Indefinite Leave to Remain in the UK would be granted to those who had sought asylum before October 20, 2000, had had children before that date, and who had experienced delays in the system. Those who had committed criminal offences or made multiple asylum claims would be excluded. Mr Blunkett predicted that 15,000 families would be eligible to apply. In fact, 53,435 cases were identified for consideration by the following April, and by the end of 2005, 70,135 applicants to the scheme had been granted indefinite leave to remain, with a further 20,000 still pending decision. Applications for asylum in the UK showed no sign of diminishing as a result of the amnesty.

14 The Commons Home Affairs Select Committee examined the evidence on the effects of amnesties on claims for asylum in its report published in January 2004. It can be accessed at https://www. publications.parliament.uk/pa/cm200304/cmselect/cmhaff/218/21809. htm. The Committee concluded that amnesties send 'an unfortunate message to people contemplating making an unfounded claim for asylum, that if they can get to the UK and make that claim, sooner or later the Government will regularise their position. Amnesties set up a vicious circle which should be broken by discouragement of unfounded claims, fast and efficient processing of those claims when they are made, and rapid removals when claims have failed.' Migration Watch, in its examination of the effects of amnesties on all forms of immigration, cites the work of Professor John Salt on the results of amnesties in France, Italy and Germany. In none of those countries did the granting of amnesties to illegal immigrants succeed in diminishing further illegal immigration. Dominique de Villepin

insisted (in May 2005, when he was France's Interior Minister) that further amnesties for illegal immigrants were 'completely out of the question', because previous mass amnesties in France in 1981 and 1997 had encouraged further waves of illegal immigration. Migration Watch's paper can be accessed at https://www.migrationwatchuk. org/briefing-paper/131

15 Collier's arguments are to be found in *Exodus: How Migration is Changing our World*.

4: The enforcement of immigration controls

1 That is not its *only* aim. Immigration regulations are also meant to ensure that Britain gets immigrants of the 'right' kind: those who will 'fit in', and endorse British values; and contribute to, and increase, national wealth, rather than diminishing it.

2 This view was expressed by Lord Green, the founder of MigrationWatch, in an article for the Mail on Sunday, March 1, 2015 'UK population to hit eighty million if current rates of immigration continue'.

3 Available at http://www.migrationobservatory.ox.ac.uk/resources/ briefings/deportations-removals-and-voluntary-departures-from-the-uk/ – which is where the numbers on deportations used in the previous paragraphs come from. The Government site https://www. gov.uk/government/publications/immigration-statistics-october-to-december-2016/returns#key-facts has a slightly different set of numbers for 2015, plus figures for 2016. The tendency those numbers indicate is the same: enforcement is very patchy, and, year on year, down.

4 The election of Emmanuel Macron as President of France threatens to cause a great deal of additional pressure on UK border controls. As a candidate, Macron promised he would dismantle the Le Touquet Treaty and remove UK immigration controls in Calais and northern France. If he carries though that promise as President, it would mean the migrants hoping to move to Britain who are currently camping in northern France would – instead of being processed and (most of them) refused entry to Britain while they are in France – gain access to Dover. The border controls in Dover are likely to be overwhelmed if that happens.

5 Prof Collier identifies these communities of co-nationals – which he calls 'diaspora' communities – as very powerful facilitators of, and inducements to, migration from those nations. See Exodus, Chapter 2, 'Why Migration Accelerates'.

6   At the 2016 Conservative Party Conference, Amber Rudd, the Home Secretary, announced that a 'controlling migration' fund of £140million would be made available. But she made it clear that the money was to be given to local councils to 'alleviate pressure on public services' in areas of high immigration, not to help the Home Office finance the costs of enforcing immigration controls.

7   http://www.migrationobservatory.ox.ac.uk/resources/briefings/ deportations-removals-and-voluntary-departures-from-the-uk/ has the figures showing the decline in enforced removals over the past decade. It also shows that the number of people who are not entitled to be in the UK who depart voluntarily has remained at about the same level for the past decade.

8   The Commons' Home Affairs Select Committee report 'The Work of the Immigration Directorates' August 2016 can be found at https://www. publications.parliament.uk/pa/cm201617/cmselect/cmhaff/151/15102. htm. The quotation comes from the section on 'Illegal Workers'; the Chief Inspector of Borders and Immigration's report can be found at http://icinspector.independent.gov.uk/wp-content/uploads/2015/12/ ICIBI-Report-on-illegal-working-17.12.2015.pdf

9   The Migration Advisory Committee's report 'Immigration and the Labour Market', August 2016, p22. The report can be accessed at: https:// www.gov.uk/government/uploads/system/uploads/attachment_data/ file/547697/MAC-_report_immigration_and_the_labour_market.pdf

10 See BBC's report at http://www.bbc.co.uk/news/uk-19425955; and then Immigration Minister Damian Green's statement at https://hansard. parliament.uk/Commons/2012-09-03/debates/1209038000003/ LondonMetropolitanUniversity. London Metropolitan University briefly lost its 'highly trusted status' as a result.

11 See http://www.bbc.co.uk/news/uk-wales-north-east-wales-28006015. The fraud usually consisted in the correct answers to exam questions being read out by the invigilator during the exam, or in someone other than the inscribed candidate taking the exam.

12 Introducing the Second Reading of her Immigration Bill on 22 October 2013, Theresa May told the House of Commons that 'We have introduced a limit on economic migration from outside the EU, cut out abuse of student visas and reformed family visas. As a result, net migration is down by a third' (compared to the number she said it 'was at its peak in 2010'). Nick Timothy, Chief of Staff to Theresa May when she at the Home Office and now she is Prime Minister, made the claim that the Coalition's reforms to immigration were responsible for 'net migration, which had reached 320,000 in 2005, (falling) to 154,000

by 2012' in an article for *The Daily Telegraph*, 25 May 2016. The return of net immigration to well over 300,000 by 2015 suggests that the fall, and perhaps the subsequent rise, in net immigration had very little to do with any Home Office policy introduced after the election in May 2010. Much of the rise was the result of a tripling of the number of immigrants coming to Britain from the EU – a group that could not have been reduced by any policy from the Home Office.

13 After a BBC *Panorama* investigation broadcast in February 2014 demonstrated that many foreign students had produced bogus English language qualifications in order to gain entry into UK universities, the Government conducted its own inquiry into how widespread the fraud was. It concluded as many 48,000 immigrants may have fraudulently obtained English language certificates despite being unable to speak English. James Brokenshire, then Immigration Minister, told the Commons that the inquiry had found that of the 48,000 certificates it investigated, 29,000 were invalid and 19,000 were 'questionable'. See http://www.bbc.co.uk/news/uk-politics-27993775

5: Radical policy alternatives

1 Collier, *Exodus*, p266

2 Available at http://icinspector.independent.gov.uk/wp-content/uploads/2014/12/Overstayers-Report-FINAL-web.pdf

3 PAC Report, 'Managing and Removing Foreign National Offenders', January 2015, available at https://www.publications.parliament.uk/pa/cm201415/cmselect/cmpubacc/708/70802.htm; for a general assessment of the Home Office's performance on enforced removal from October 2014 to March 2015, see Chief Inspector's report 'An Inspection of Removals', available at http://icinspector.independent.gov.uk/wp-content/uploads/2015/12/ICIBI-report-on-Removals-17.12.2015.pdf

4 Paul Collier denies this. He thinks that existing controls 'are largely effective', on the basis that the 'the economic incentives to migrate from poor countries are so substantial … that were the controls not effective, migrations flows would have been far greater'. (*Exodus*, p266-7) As far as we can see, Prof Collier has no basis for that claim. It is a speculation on his part – and, given that he does not know what the present levels of illegal immigration actually are (and does not even venture an estimate), not a plausible speculation. The evidence from the United States – where the attempt to control illegal immigration from Mexico involves much more severe and punitive policies than

operate in the UK – suggests that existing controls are not largely effective. In his research into Mexican communities that provide significant numbers of illegal migrants to the US, Professor Wayne Cornelius found that those communities were very knowledgeable about US border enforcement operations, and it had very little effect on discouraging them from trying to cross the border into the US illegally. See Wayne Cornelius, 'Impacts of Border Enforcement on Unauthorised Mexican Migration to the United States', available at http://borderbattles.ssrc.org/Cornelius/index.html.

5   The report by Melanie Gower and Oliver Hawkins, Immigration and asylum: changes made by the Coalition Government 2010 – 2015 is an excellent summary of Coalition policy on immigration. The policy of creating a 'hostile environment' for illegals has been continued since the 2015 election. See the report of the Chief Inspector of Borders and Immigration, published October 2016, on two aspects of the 'hostile environment', available at http://icinspector.independent.gov.uk/wp-content/uploads/2016/10/Hostile-environment-driving-licences-and-bank-accounts-January-to-July-2016.pdf

6   He does so throughout his book *Exodus*.

7   The conditions of Romanian fruit pickers on farms in Sicily, for instance, are horrendous, and little better than slavery. They involve abuse and exploitation of an appalling kind. Yet many Romanians return year after year to work on abusive Sicilian farms. See 'Raped, Beaten, Exploited: the 21st century slavery propping up Sicilian farming', by Lorenzo Tondo and Annie Kelly, The Observer, 12 March 2017, available at https://www.theguardian.com/global-development/2017/mar/12/slavery-sicily-farming-raped-beaten-exploited-romanian-women

8   It is worth noting that the Chief Inspector of Borders and Immigration's report A*n Inspection of Overstayers: How the Home Office handles the cases of individuals with no right to stay in the UK*, published December 2014, states that 'The Home Office's strategy for reducing the level of irregular migration is based on the creation of a 'hostile environment'. This strategy will be supported by additional sanctions provided in the Immigration Act 2014, but its effectiveness will depend on the Home Office's being able consistently and visibly to deploy these additional measures. Our review of Immigration Enforcement processes during this inspection suggests that the Home Office is not currently resourced to meet these challenges. Considerable improvements in the Home Office's capability to monitor, progress, and prioritise the immigration enforcement caseload will be needed

if this strategy is to succeed.' Behind the Chief Inspector's restrained bureaucratic language is a conclusion identical to ours.

9   It is very unlikely to be able to reduce the figure to below 100,000: as explained above, immigrants from outside the EU are obviously unaffected by Brexit, and they comprise half the official annual total of more than 300,000 legal immigrants.

Conclusion: Political will and immigration policy

1   See Hansard report of second reading of Immigration Bill, October 22, 2013, available at https://hansard.parliament.uk/ Commons/2013-10-22/debates/